

IN THE DISTRICT COURT OF THE VIRGIN ISLANDS  
DIVISION OF ST. CROIX

PETRO INDUSTRIAL SOLUTIONS, LLC, }  
Plaintiff, }  
vs. } Case No. 1:21-CV-00312  
ISLAND PROJECT AND OPERATING }  
SERVICES, LLC; VITOL US HOLDING }  
II CO.; VITOL VIRGIN ISLANDS }  
CORP.; ANDREW CANNING; and OPTIS }  
EUROPE, LTD., }  
Defendants.

**THE VIDEO-RECORDED ORAL DEPOSITION OF ANDREW DAVID CANNING**  
was taken on the 16th day of June, 2023, via Zoom  
teleconference, between the hours of 9:06 a.m. and  
3:30 p.m., pursuant to Notice and Federal Rules of Civil  
Procedure.

Reported by:

Susan C. Nissman RPR-RMR  
Registered Merit Reporter  
Caribbean Scribes, Inc.  
1244 Queen Cross Street, Suite 1A  
Christiansted, St. Croix  
U.S. Virgin Islands 00820  
(340) 773-8161

A-P-P-E-A-R-A-N-C-E-S

**For the Plaintiff:**

Law Offices of Lee J. Rohn & Associates, LL  
1108 King Street, Third Floor  
Christiansted, St. Croix  
U.S. Virgin Islands 00820

By: Lee J. Rohn  
Karima Jenkins-Guzman, Assistant

**For the Defendant Island Project and Operating Services,  
LLC:**

Law Offices of Ogletree, Deakins, Nash, Smoak & Stewart, LLC  
The Tunick Building, Suite 201  
1336 Beltjen Road  
Charlotte Amalie, St. Thomas  
U.S. Virgin Islands 00802

By: Simone R.D. Francis

**For the Defendant Vitol US Holding II Co. and Vitol Virgin  
Islands Corp.:**

Law Offices of Beckstedt & Kuczynski, LLP  
2162 Church Street  
Christiansted, St. Croix  
U.S. Virgin Islands 00820

By: Carl A. Beckstedt, III  
and

Law Offices of Susman Godfrey  
1000 Louisiana Street, Suite 5100  
Houston, Texas 77002

By: Alex Kaplan

3

APPEARANCES

4

INDEX

**For the Defendant Andrew Canning:**

Law Offices of Andrew C. Simpson  
2191 Church Street, Suite 5  
Christiansted, St. Croix  
U.S. Virgin Islands 00820

By: Andrew C. Simpson

**Also Present:** Adrian Melendez, Jr.

E-X-A-M-I-N-A-T-I-O-N

Description	Counsel	Page
Direct	by Ms. Rohn	6
Cross	by Mr. Kaplan	163
Cross	by Ms. Francis	174

E-X-H-I-B-I-T-S

Exhibit	Description	Page
1 -	Bates Stamp Canning 000001	102
4 -	Bates Stamp Canning 000008	105
8 -	Bates Stamp Canning 000129-132	108
28 -	Andrew Canning's Responses to Petro Industrial Solutions, LLC's First Set of Interrogatories	118
30 -	Andrew Canning's Responses to Petro Industrial Solutions, LLC's First Set of Interrogatories - Question 7	119
31 -	Andrew Canning's Response to Petro Industrial Solutions, LLC's First Set of Interrogatories - Question 10	121
46 -	Island Project and Operating Services, LLC's First Supplemental Response to Plaintiff's First Set of Interrogatories	132
251 -	Bates Stamp PIS007021-7023	140
252 -	E-mail chain dated July 15, 2021, Subject: Adrian Melendez Shared "3in Vent Line - QC Book" with You	145
253 -	Bates Stamp PIS006992	148

Susan C. Nissman, RPR-RMR  
(340) 773-8161



296 -	Bates Stamp IPOS 003896-003901	150
285 -	Bates Stamp IPOS 006118-004877	153
287 -	Bates Stamp IPOS 006706	155
289 -	Bates Stamp IPOS 006707-006708	157
290 -	IPOS 006702	163

Susan C. Nissman, RPR-RMR  
(340) 773-8161

1 **ANDREW DAVID CANNING,**  
2 called as a witness, having been first duly sworn,  
3 testified on his oath as follows:  
4  
**DIRECT EXAMINATION**  
5  
**BY MS. ROHN:**  
6 Q. Good morning, Mr. Canning. My name is Lee Rohn.  
7 I represent Petro.  
8 A. Good morning.  
9 Q. Could you state and spell your name for the  
10 record, please?  
11 A. Andrew David Canning. That's A-N-D-R-E-W; David,  
12 D-A-V-I-D; C-A-N-N-I-N-G.  
13 Q. So Mr. Canning, have you ever had your deposition  
14 taken before?  
15 A. No, I haven't.  
16 Q. Well, I'm sure your attorney has adequately  
17 informed you about what a deposition is, but just to make  
18 sure, a deposition is just as if you're in the courthouse  
19 and swearing under oath and testifying. Same penalties of  
20 perjury apply. It's just a little less formal setting.  
21 A. Understood.  
22 Q. So my -- my job is to ask you questions that are  
23 clear and concise, and your job is to tell the truth. So if  
24 I ask you a question that you're not sure of, or something  
25 that you don't understand, then you are free to ask me to

Susan C. Nissman, RPR-RMR  
(340) 773-8161

7  
**ANDREW DAVID CANNING -- DIRECT**

1 clarify or rephrase my question. Otherwise, I will assume  
2 that you understood my question, and then you're required to  
3 answer it.  
4 From time to time, there may be objections.  
5 Those are mainly for the record, and you are required to  
6 answer, unless your attorney instructs you otherwise.  
7 A. Okay.  
8 Q. Hold on one second. Hello?  
9 Thank you.  
10 So can you tell me where you were born?  
11 A. Portsmouth, England.  
12 Q. And, sir, can you tell me -- well, first of all,  
13 do you understand that you're testifying not only in your  
14 own capacity, but on behalf of the company, Optis?  
15 A. I do.  
16 **MR. SIMPSON:** No, this is his personal  
17 deposition, Lee. The Optis deposition is noticed for 1:00,  
18 and -- and we do not want to combine them.  
19 Q. (Ms. Rohn) Okay. So you will be giving a  
20 deposition on behalf of Optis.  
21 Do you understand that?  
22 A. I do.  
23 Q. So Mr. Canning, can you tell me your educational  
24 background since high school?  
25 A. Since high school. Right. I'm a qualified

Susan C. Nissman, RPR-RMR  
(340) 773-8161

8  
**ANDREW DAVID CANNING -- DIRECT**

1 engineer in terms of I served a four-year apprenticeship  
2 with the MOD. During that time, I obtained a HNC in  
3 mechanical engineering.  
4 Q. I'm sorry. Could you repeat what that is? I  
5 didn't understand what you said.  
6 A. HNC.  
7 Q. Peach NC?  
8 A. Yeah. Hotel --  
9 Q. Peach, as in the fruit?  
10 A. Hotel November.  
11 Q. I'm sorry. I can't understand you.  
12 A. Hotel November Charlie, HNC.  
13 Q. Okay.  
14 A. Sorry. Yes.  
15 After completing that apprenticeship after  
16 four years, I then moved -- I was awarded professional and  
17 technological officer, Grade 4.  
18 Q. I'm sorry. I didn't understand what you just  
19 said.  
20 A what? I heard technological. Was that  
21 professional and technological?  
22 A. Correct. Officer, Grade 4, in the MOD. Ministry  
23 of Defense. Sorry.  
24 Since then, I've done other qualifications  
25 specific to my role in the oil and gas industry.

Susan C. Nissman, RPR-RMR  
(340) 773-8161

ANDREW DAVID CANNING -- DIRECT

9

1 Q. So, sir, do you have a college degree?  
 2 A. No.  
 3 Q. And when you said you're a qualified engineer  
 4 pursuant to the MOD, what is MOD?  
 5 A. Ministry of Defense.  
 6 Q. Ministry of Defense where?  
 7 A. United Kingdom.  
 8 Q. And when did you obtain that?  
 9 A. 1977.  
 10 Q. And what did you do to obtain that?  
 11 A. Completed my apprenticeship. Completed the HNC,  
 12 and I was awarded the position.  
 13 Q. Who awarded you the position?  
 14 A. Ministry of Defense.  
 15 Q. And -- well, can you -- how long was your  
 16 apprenticeship?  
 17 A. Four years.  
 18 Q. Can you describe it?  
 19 A. Yes. It was a practical and technical  
 20 apprenticeship. Ministry of Defense required more practical  
 21 engineers to maintain their weapons platforms of ships. So  
 22 I went through all the trade training to understand, gain a  
 23 detailed understanding of the various trades that were  
 24 involved in maintaining the ships and keeping them in  
 25 service, whilst also doing the technical qualification.

Susan C. Nissman, RPR-RMR  
(340) 773-8161

ANDREW DAVID CANNING -- DIRECT

10

1 Q. Does United Kingdom have different types of  
 2 engineering certificates or qualifications?  
 3 A. I believe they do, yes. To the U.S., we're  
 4 assuming, yes.  
 5 Q. I'm sorry. To of what?  
 6 A. Compared to the U.S., is that what we're saying?  
 7 Q. Yes.  
 8 A. Yes, I believe they do.  
 9 Q. Okay. Well, what other licenses, as an engineer,  
 10 can you get in the United Kingdom?  
 11 A. You can be a chartered engineer.  
 12 Q. What is a chartered engineer?  
 13 A. Someone that has a charter awarded by a particular  
 14 institute they're affiliated to. So mechanical engineers  
 15 would be a charter mechanical engineer.  
 16 Q. That institute would be like a college, or is  
 17 that -- would that be fair?  
 18 A. No. It's a professional post-graduate  
 19 organization that sets the standards for individuals to  
 20 achieve.  
 21 Part of that reason is when graduates come  
 22 out, obviously they're educated in the technical aspects of  
 23 it, but it needs a practical aspect to apply that in the  
 24 workplace to be effective.  
 25 Q. So there are colleges that give engineer degrees?

Susan C. Nissman, RPR-RMR  
(340) 773-8161

11

ANDREW DAVID CANNING -- DIRECT

1 A. There are universities. Sorry. College. It's  
 2 terminology. I'm sure we'll come across a few of these  
 3 issues.  
 4 Universities are able to give engineering  
 5 degrees or degrees. My education was through a polytechnic.  
 6 Polytechnic, at the time, didn't have a charter to give  
 7 degrees, so those would be given by the universities that  
 8 actually have those charters.  
 9 Q. Well, I asked you for your education since high  
 10 school. So when you say my -- I went to polytechnic, what  
 11 is that?  
 12 A. Polytechnic is effectively university without a  
 13 charter.  
 14 Q. And when did you do that?  
 15 A. 1973 through to 1977.  
 16 Q. And what is a HNC?  
 17 A. Higher national certificate.  
 18 Q. Did you -- I heard national certificate, but I  
 19 don't hear the first word.  
 20 A. Sorry. Higher national certificate.  
 21 Q. And who gives out that HNC?  
 22 A. In this case, Portsmouth Polytechnic.  
 23 Q. Say the first word again, please.  
 24 A. Sorry. Could you repeat that?  
 25 MR. SIMPSON: Portsmouth.

Susan C. Nissman, RPR-RMR  
(340) 773-8161

ANDREW DAVID CANNING -- DIRECT

12

1 Q. (Ms. Rohn) would you say the first word, please?  
 2 MR. SIMPSON: Say the word, Portsmouth.  
 3 Q. (Ms. Rohn) I heard Polytech. What was the first  
 4 word?  
 5 A. Portsmouth. Sorry. Polytechnic. Sorry. I  
 6 misheard you.  
 7 Q. What is Portsmouth?  
 8 A. It's a city.  
 9 Q. So this is a -- is it university, or why is it  
 10 called polytech?  
 11 A. At that time, it didn't have a charter. It's now  
 12 called Portsmouth University. But at that time, it didn't  
 13 have a charter to issue degrees. The moderation was done by  
 14 an external university to do that. It's just the way the  
 15 educational system was set up at that time in the United  
 16 Kingdom.  
 17 Q. And so even though it couldn't give you a degree,  
 18 it could give you an HNC?  
 19 A. Indeed, it could, yes.  
 20 Q. And what is --  
 21 A. Yeah.  
 22 Q. What does HNC stand for?  
 23 A. Higher national certificate.  
 24 Q. Do you have any other licenses in the engineering  
 25 field?

Susan C. Nissman, RPR-RMR  
(340) 773-8161

1       A.    No.  
 2       Q.    Okay. Do you have any engineering licenses in the  
 3       United States?  
 4       A.    No.  
 5       Q.    As a result of not being licensed as an engineer  
 6       in the United States, are there certain types of documents  
 7       that you are not allowed to sign off on?  
 8       **MR. SIMPSON:** Objection.  
 9       **Q. (Ms. Rohn)** You may answer.  
 10      A.    Oh. Can you repeat the question, please?  
 11      Q.    Sure.  
 12      As a result of not having an engineer -- a  
 13     United States engineering license or certificate, are there  
 14     certain documents that you are not able to sign off on?  
 15      A.    Probably. I don't know for certain. Would depend  
 16     on the type of document.  
 17      Q.    Well, you can't sign off on plans as an engineer,  
 18     can you, sir?  
 19      **MR. SIMPSON:** Objection.  
 20      **MS. ROHN:** Noted.  
 21      A.    Can you detail what you mean by "plans"?
 22      **Q. (Ms. Rohn)** Engineering plans. Engineering scopes  
 23     of work.  
 24      A.    So a scope of work required to undertake a job?  
 25      Q.    No, sir. A scope of work for -- in order for --

Susan C. Nissman, RPR-RMR  
(340) 773-8161

1       to describe the scope of the work, as a licensed engineer,  
 2       you can't sign off on that, can you, sir?  
 3       **MR. KAPLAN:** Objection to the form of the  
 4       question.  
 5       **Q. (Ms. Rohn)** Can you answer my question?  
 6       A.    Sorry. Could you repeat? Sorry. Could you  
 7       repeat? I lost the thread.  
 8       Q.    Well, engineering plans and -- and scopes, are you  
 9       able to sign off of those -- on those as an engineer?  
 10      **MR. SIMPSON:** Objection.  
 11      **MS. ROHN:** Noted.  
 12      A.    A scope, in my understanding of the term, is  
 13     effectively what's encompassed within a particular job.  
 14      **Q. (Ms. Rohn)** Correct.  
 15      A.    So if we needed scaffolding, that forms part of  
 16     the scope. If we needed painters, that forms part of the  
 17     scope. We agree to a scope. That's part of the job  
 18     definition. It wouldn't require an engineer to sign off on  
 19     the scope. That's a client requirement.  
 20      Q.    Okay. Let's limit it to engineering plans that  
 21     have to be submitted to a government.  
 22      Can you sign off on those, sir?  
 23      **MR. SIMPSON:** Objection.  
 24      When I object, you can still answer, unless I  
 25     tell you not to answer.

Susan C. Nissman, RPR-RMR  
(340) 773-8161

15

ANDREW DAVID CANNING -- DIRECT

1       **Q. (Ms. Rohn)** I told you that in the original  
 2     instructions, sir.  
 3       A.    Understood.  
 4       A plan, again, is -- if we intend to start  
 5     erecting scaffold on the 13th of July, and then we've got  
 6     fabrication in August, that's a plan. That's how we intend  
 7     the job to be undertaken.  
 8       Q.    Sir.  
 9       A.    That's part of a job scope and --  
 10      Q.    Engineering drawings and schematics, can you sign  
 11     off on those, sir?  
 12      A.    Okay. Engineering drawings. Depends on the -- if  
 13     they're new, no, I couldn't.  
 14      If they're -- if they're fabrication  
 15     drawings, in other words, it's a plan by the technical or  
 16     detailed drawings by the technical authority, then I can  
 17     agree that they conform to the original, or interpretation  
 18     of the original drawing. It's just a validation process.  
 19     So I'm not approving them in terms of technical content. If  
 20     I was to sign off on that, I'm signing off to agree that  
 21     they do reflect what the technical authority is, as defined.  
 22      Q.    And you said earlier that you also have some  
 23     certificates in the oil -- related to oil and gas industry.  
 24      What certificates do you have, related to the  
 25     oil and gas industry?

Susan C. Nissman, RPR-RMR  
(340) 773-8161

16

ANDREW DAVID CANNING -- DIRECT

1       A.    I have, in my role, offshore installation managers  
 2     regulations.  
 3       Q.    I didn't understand that, sir. I --  
 4       A.    Sorry.  
 5       Q.    -- didn't hear what you said. I'm sorry. You  
 6     have what?  
 7       A.    Offshore installation managers regulations.  
 8       Q.    Offshore installation manager regulations?  
 9       A.    Yes, ma'am.  
 10      Q.    And who bestowed that on you?  
 11      A.    The health and safety executive. It's a legal  
 12     requirement that offshore insulation managers should be  
 13     competent, not only in discharging their roles as managers,  
 14     but also understanding the regulations that regulate the  
 15     construction and operation of the facilities.  
 16      Q.    How is that unique to the oil and gas industry?  
 17      A.    Sorry. Could you repeat that?  
 18      Q.    How is that unique to the oil and gas industry?  
 19      A.    It is unique because the offshore installation is  
 20     remote from the onshore island, or whatever it's related to.  
 21      So the offshore installation managers have  
 22     legal obligations in terms of protecting the asset, and the  
 23     personnel on that particular asset.  
 24      Q.    And the health and safety manager for whom  
 25     bestowed that on you?

Susan C. Nissman, RPR-RMR  
(340) 773-8161

ANDREW DAVID CANNING -- DIRECT

ANDREW DAVID CANNING -- DIRECT

1 A. Could you repeat that first part, please?  
 2 Q. Sure.  
 3 The health and safety manager for whom gave  
 4 you that certificate?  
 5 A. No, ma'am. It's the health and safety executive.  
 6 This is part of the health and safety commission in the UK.  
 7 It's a government entity, which sets the standards for  
 8 operating hazardous plants. And it covers, in this  
 9 particular case, the offshore installation.  
 10 Q. Any other oil and gas certificates?  
 11 A. I have competency certificates in managing major  
 12 emergencies.  
 13 Q. And how is that unique to the oil and gas?  
 14 A. We have a legal obligation, because we have no  
 15 support from the normal safety services, we don't have a  
 16 fire service, we don't have an ambulance service, we don't  
 17 have a formal way of evacuating the platform during an  
 18 incident, we have to be able to make competent decisions in  
 19 emergencies to protect life and the environment.  
 20 Q. Are you referring to offshore oil rigs?  
 21 A. I am, indeed, madam.  
 22 Q. Do you have any certificates in the United States?  
 23 A. No.  
 24 Q. Do you have any certificates from the Virgin  
 25 Islands?

Susan C. Nissman, RPR-RMR  
(340) 773-8161

1 A. No.  
 2 Q. Are you a licensed engineer in the Virgin Islands?  
 3 A. No.  
 4 Q. Are you licensed to do business in the Virgin  
 5 Islands?  
 6 A. No.  
 7 Q. After graduating from polytechnic, please tell me  
 8 where you went to work. Oh, you did the apprenticeship?  
 9 A. I did an apprenticeship, yes, ma'am.  
 10 Q. And after your apprenticeship?  
 11 A. This is when I was awarded PTO 4, Professional and  
 12 Technological Grade 4. I was transferred to naval  
 13 headquarters in the UK. It's located in a city called Bath.  
 14 I was part of the post-design group 222, looking after  
 15 operational classes of ships, which included guided missile  
 16 destroyers and frigate class vessels.  
 17 Q. So the -- the degrees in engineering, you got them  
 18 as a result of being in the British navy; is that correct?  
 19 A. No, ma'am. I was a civilian trainee. I declined  
 20 the offer to study further at Madden, which is the Naval  
 21 Academy in Dartmouth, where I would have been educated to  
 22 degree level, and become part of the naval engineering  
 23 service, but I declined that, and was deployed to PD 222 in  
 24 Bath.  
 25 Q. How long were you in PD 222?

Susan C. Nissman, RPR-RMR  
(340) 773-8161

19

ANDREW DAVID CANNING -- DIRECT

ANDREW DAVID CANNING -- DIRECT

20

1 A. Approximately one year.  
 2 Q. And what did you do there?  
 3 A. I looked at engineering and operational problems  
 4 with ships that were in operation. An average ship has 25  
 5 years life. During that time, legislation changes. Also  
 6 technical problems emerge with the particular class of ship.  
 7 I was there to resolve problems.  
 8 Q. And where did you go next?  
 9 A. When I left the MOD, I resigned in 1978, yes, and  
 10 I went to Marconi Space & Defence.  
 11 Q. Marconi what?  
 12 A. Space & Defence. Excuse me.  
 13 Q. My -- my monitor says your bandwidth is very low,  
 14 which is why you're -- every once in a while, when you talk,  
 15 you come out garbled.  
 16 Andy, is there something you can do with your  
 17 bandwidth strength?  
 18 MR. SIMPSON: Our bandwidth is fine. We're  
 19 connected via cable directly to fiber optic.  
 20 MS. ROHN: Well, he's coming out garbled  
 21 every now and then.  
 22 Q. (Ms. Rohn) So why did you resign your MOD?  
 23 A. I guess like -- I wanted job advancement.  
 24 Q. And how long did you work for Marconi Space &  
 25 Defence?

Susan C. Nissman, RPR-RMR  
(340) 773-8161

1 A. Approximately just over two years.  
 2 Q. And was that related to oil and gas?  
 3 A. No, ma'am.  
 4 Q. Okay. And why did you leave after two years?  
 5 A. I was offered a consultancy position.  
 6 Q. With whom?  
 7 A. Acoustic Technology, Limited.  
 8 Q. Acoustic Technology, Limited?  
 9 A. That's correct.  
 10 Q. And what does Acoustic Technology, Limited do?  
 11 A. At that time, it was involved with specialist,  
 12 analysis, and engineering of products and services  
 13 associated with -- they had noise and vibration as one of  
 14 their signatures. That's probably not worded too well.  
 15 They were a consultancy group that operated  
 16 in the oil and gas industry, primarily, and they applied new  
 17 technologies to analyzing problems.  
 18 Q. With things that made noise?  
 19 A. No. That was -- it was formed from South Hampton  
 20 University, originally operating with acoustics and noise,  
 21 and then acoustics and vibration are very similar. They  
 22 then branched out, using the university's resources to start  
 23 analyzing machinery and equipment vibrations.  
 24 Q. How long did you work there? How long were you a  
 25 consultant there?

Susan C. Nissman, RPR-RMR  
(340) 773-8161

1 A. Let me see. From 1980 through to 1997, I believe.  
 2 Yeah.  
 3 Q. And why did you leave there?  
 4 A. I was offered an operational position  
 5 supporting -- well, working offshore.  
 6 Q. For whom?  
 7 A. At that time, it was Hamilton Brother Oil & Gas.  
 8 Q. And what did you do for Hamilton Brothers Oil &  
 9 Gas?  
 10 A. Initially, I was maintenance coordinator. And  
 11 then during the operational phase, I was maintenance  
 12 supervisor.  
 13 Q. And where did you work for them?  
 14 A. In the Douglas Field, which comprises of one main  
 15 production platform, four satellites platforms, and a  
 16 floating storage facility.  
 17 Q. Where is the Douglas Field located?  
 18 A. It's located in the Irish Sea.  
 19 Q. How long did you stay with them?  
 20 A. Probably a year.  
 21 Q. Why did you leave that position?  
 22 A. I was offered a staff position with the owner and  
 23 operator of the Douglas facility.  
 24 Q. Which name is?  
 25 A. BHP Petroleum.

Susan C. Nissman, RPR-RMR  
 (340) 773-8161

1 Q. Is that -- what does that stand for?  
 2 A. It's a minerals company. I can't remember exactly  
 3 the BHP. It's an Australian company, so they're into  
 4 minerals. Broken Hill. I think it was Broken Hill  
 5 Proprieties.  
 6 Q. And how long -- and what did you do for them?  
 7 A. I was maintenance superintendent; then became the  
 8 offshore installation manager; and then became field  
 9 manager.  
 10 Q. How long did you work with them?  
 11 A. Through to 2000.  
 12 Q. Why did you leave?  
 13 A. My colleagues I was working with, there was  
 14 reduction, as often happens in the oil and gas industry when  
 15 the oil price drops, reduction in the manpower requirements.  
 16 My colleagues --  
 17 Q. So did you get laid off?  
 18 A. No, I wasn't, ma'am.  
 19 Q. Well, sir, my question is, why did you leave?  
 20 A. Can I finish?  
 21 **MR. SIMPSON:** You interrupted him when he was  
 22 answering. Please let --  
 23 **MS. ROHN:** Well, because he wasn't answering  
 24 my question. He was talking to me about prices in the oil  
 25 and gas industry.

Susan C. Nissman, RPR-RMR  
 (340) 773-8161

23

ANDREW DAVID CANNING -- DIRECT

1 **MR. SIMPSON:** He was explaining his  
 2 transition, and you interrupted him.  
 3 Q. (Ms. Rohn) Why did you leave?  
 4 A. We set up our own company.  
 5 Q. And who's "we"?  
 6 A. Three of my working colleagues: A gentleman  
 7 called Glenn Sibbick; a gentleman called Jeffrey Regan; and  
 8 myself.  
 9 Q. I thought you said three of your colleagues?  
 10 A. Indeed, so. Yes.  
 11 Q. Well, that's two. Jeff Sibbick and -- Glenn  
 12 Sibbick and Jeff Regan.  
 13 who's the third?  
 14 A. Well, it's myself. Sorry. I mis -- misquoted  
 15 that.  
 16 Q. And did that company have a name?  
 17 A. Yes.  
 18 Q. What was the name?  
 19 A. Optis Europe, Limited.  
 20 Q. And what did that company do?  
 21 A. Consultancy activities with specialist in oil and  
 22 gas operations.  
 23 Q. And why did you form that company?  
 24 A. Because we realized there was a requirement for  
 25 experienced engineers. Because of the downturn in oil price

Susan C. Nissman, RPR-RMR  
 (340) 773-8161

24

ANDREW DAVID CANNING -- DIRECT

1 and the company shedding labor and offering that -- those  
 2 activities outside of the companies.  
 3 Q. And have you been with that company ever since?  
 4 A. Yes.  
 5 Q. And does it still have the same owners?  
 6 A. No.  
 7 Q. When did that change?  
 8 A. 2007, if I recall correctly.  
 9 Q. And what changed?  
 10 A. Glenn Sibbick took a role with Centrica Energy.  
 11 Q. And what percentage, currently, today, do you own  
 12 of Optis?  
 13 A. Fifty percent.  
 14 Q. I'm sorry. You broke up. What?  
 15 A. Sorry. Fifty. Five zero percent.  
 16 Q. And how are you compensated by Optis?  
 17 A. I'm an employee of Optis, so I take a salary. I  
 18 also share in profits. So we take dividends, based on how  
 19 the company's performing.  
 20 Q. Are the percent of dividends tied to whether or  
 21 not you bring in the profits?  
 22 A. No.  
 23 Q. So does Mr. Regan work as a consultant as well?  
 24 A. He does.  
 25 Q. And so you pull the money into the company and

Susan C. Nissman, RPR-RMR  
 (340) 773-8161

ANDREW DAVID CANNING -- DIRECT

ANDREW DAVID CANNING -- DIRECT

1 then your dividends come from equal share of the profits?  
 2       A. Sorry. Could you just repeat that?  
 3       Q. Sure.  
 4                 Does the money that is earned by each of you,  
 5 as consultants, go into the company, and then you share  
 6 equally in the profits?

7       A. we -- it's a legal requirement that shareholders  
 8 take shares proportional to their shareholding, but there  
 9 are other income streams besides Jeffrey Regan and myself.

10     Q. Okay. What are the other income streams?

11     A. Optis Europe is a consultancy that retains or uses  
 12 other experienced engineers. So there are other consultants  
 13 in the Optis side of things.

14                 There's also a specialist training to the  
 15 company that have specialist trainers.

16     Q. And do you get a share of what they bring in?

17     A. Effectively, yes. The profitability of the  
 18 company. So we don't take shares of individual income. It  
 19 depends on how the company looks on a month- or year-end  
 20 basis, and what we plan to do in the next year, as far as  
 21 further investment. So it's balancing the income with -- as  
 22 profits that we can take as dividends.

23     Q. And what did you do to prepare to be deposed?

24     A. I have met with my attorney, and also had a -- I  
 25 watched a couple of depositions.

Susan C. Nissman, RPR-RMR  
 (340) 773-8161

1       Q. Okay. Did you meet with any other attorneys,  
 2 besides your attorney?

3       A. Not specifically for this deposition, but I have  
 4 spoken to the other defendants' attorneys at various stages  
 5 in the past.

6       Q. Are you being -- is your -- are you being -- is  
 7 your attorney being paid by Vito?

8       **MR. SIMPSON:** Object to the form.

9       Q. (Ms. Rohn) You may answer.

10     A. sorry. Could you just repeat that?

11     Q. Sure.

12                 Is your attorney being paid by Vito?

13     A. No, I don't believe he is.

14     Q. Okay. Are you paying your attorney?

15     A. No.

16     Q. Who is paying your attorney?

17     A. I believe WIC is paying my attorney.

18     Q. And who do you understand WIC to be?

19     A. Vito Virgin Islands Corporation.

20                 And have you, from time to time, met with the  
 21 attorney for WIC?

22     A. No.

23     Q. Never met with them; is that right?

24     A. I'm not even sure who the attorney for WIC is, to  
 25 be honest. So, no, I haven't met with him or her.

Susan C. Nissman, RPR-RMR  
 (340) 773-8161

27

ANDREW DAVID CANNING -- DIRECT

ANDREW DAVID CANNING -- DIRECT

1       Q. Well, who, besides -- what attorney, besides your  
 2 attorney, have you met with?

3       A. Regarding this case?

4       Q. Yes, sir.

5       A. No one, other than the video conferences we had  
 6 when we had initial discussions about the lawsuit. And then  
 7 I guess the meeting was by Zoom, where I actually met or saw  
 8 individuals.

9       Q. And what attorneys were on that video conference?

10     A. I can't recall all of them. It's Gloria. I can't  
 11 recall them, to be honest with you. Those -- I've seen --  
 12 again, there seems to be a number of attorneys involved with  
 13 this. I've seen additional attorneys notified, et cetera.  
 14 I honestly can't recall the attorneys' names.

15     Q. Well, approximately how many attorneys were on  
 16 that video conference?

17     A. If I recall correctly, probably three.

18     Q. So there were three attorneys on the conference.

19                 Was your attorney one of them?

20     A. No. My attorney wasn't assigned at that  
 21 particular time.

22     Q. And how did you come about going on that video  
 23 conference?

24     A. Sorry. Could you be more specific on that?

25     Q. Yes.

Susan C. Nissman, RPR-RMR  
 (340) 773-8161

28

ANDREW DAVID CANNING -- DIRECT

1       How did you know to go on that video  
 2 conference?

3       A. Oh, right. Thank you.

4                 When we received the lawsuit, various  
 5 parties, I guess the accused parties, wanted to have a  
 6 discussion about the background. And a call was arranged  
 7 for the various attorneys to have those discussions with me.

8       Q. Now, initially, you were -- well, was this before  
 9 you were served or after you were served?

10     A. That meeting occurred before I was served.

11     Q. And who contacted you to attend this video  
 12 conference?

13     A. I recall that it was arranged through -- Charlotte  
 14 made the initial contacts, and then it was arranged after  
 15 that. I'm not sure how that was actually arranged.

16     Q. That would be Charlotte Horowitz?

17     A. Correct. Horowitz. That's correct.

18     Q. And who, besides the attorneys, were in that video  
 19 conference?

20     A. Just myself and the attorneys, if I recall  
 21 correctly.

22     Q. And did the attorneys work for one of the Vito  
 23 companies?

24     A. I believe it was Vito, yes, one of the attorneys.  
 25 And one of the other attorneys was for IPOS.

Susan C. Nissman, RPR-RMR  
 (340) 773-8161

ANDREW DAVID CANNING -- DIRECT

1 Q. And who was the third attorney for?  
 2 A. I don't know, specifically. I just recall there  
 3 were three attorneys, and the companies they were involved  
 4 with were Vitol and IPOS.  
 5 Q. Do you recall who was the attorney for IPOS?  
 6 A. No, I don't.  
 7 Q. Does the name Simone Francis ring a bell?  
 8 A. I've seen it on the paperwork, and some of the  
 9 communications, but I don't remember her at that particular  
 10 time.  
 11 Q. How did you first learn about this lawsuit?  
 12 A. I received notification from David Smith, I  
 13 believe.  
 14 Q. Can you recall approximately when you received  
 15 that notification?  
 16 A. No, ma'am, I can't.  
 17 Q. And how did you receive that notification? In  
 18 person? Telephone?  
 19 A. E-mail, if I recall correctly.  
 20 Q. I haven't seen that e-mail.  
 21 What did the e-mail say?  
 22 A. If I recall correctly, it was, we've had our  
 23 attorney, local, checking the legal records, and there's  
 24 indication that a lawsuit is in the process of being filed.  
 25 Q. Do you know who that local attorney was?

Susan C. Nissman, RPR-RMR  
(340) 773-8161

ANDREW DAVID CANNING -- DIRECT

1 A. No, ma'am, I don't.  
 2 Q. And did you respond to Mr. Smith?  
 3 A. I'm sure I did respond. I can't remember the  
 4 specific details.  
 5 Q. Did you learn, at that time, that you were going  
 6 to be a defendant?  
 7 A. No.  
 8 Q. He didn't tell you, at that time, you're going to  
 9 be sued, too?  
 10 A. I'm not sure he had the detail at that time. He  
 11 just had notification that there was a lawsuit in the  
 12 process of being -- going through the legal system.  
 13 Q. Okay. And after that conversation, what occurred  
 14 between you and Mr. Smith after that?  
 15 A. It was an e-mail. I don't recall the detail, to  
 16 be honest. Obviously, we progressed in some form, but I  
 17 don't recall the detail.  
 18 Q. Okay. Well, how did it progress?  
 19 A. I believe there was some discussion between -- a  
 20 notification and discussion between Vitol and IPOS, and  
 21 that's when the legal team was mentioned, but I don't  
 22 recall, again, the specific detail.  
 23 Q. Well, this discussion between Vitol and IPOS, were  
 24 you present for that?  
 25 A. No.

Susan C. Nissman, RPR-RMR  
(340) 773-8161

31

ANDREW DAVID CANNING -- DIRECT

1 Q. How did you know it occurred?  
 2 A. I may have heard, either from David Smith or maybe  
 3 Charlotte, that there have been discussions between legal  
 4 parties associated with those companies, but I don't know  
 5 the detail, or don't recall the detail.  
 6 Q. And then you -- at the time that you had this  
 7 video conference with the legal department, did you know you  
 8 were going to be sued?  
 9 A. If I recall correctly, at that time, the detail of  
 10 the lawsuit was known, and I featured as one of the  
 11 defendants in that. So, if that's correct, then, yes, I  
 12 knew at that stage that I was going to be one of the  
 13 defendants.  
 14 Q. And when did you first begin communicating with  
 15 any of the Vitol defendants about getting a defense?  
 16 A. We had, if I recall correctly, a call, that I  
 17 mentioned before, where we --  
 18 Q. Is that the video conference call?  
 19 A. That's correct, ma'am.  
 20 Q. Okay. All right.  
 21 A. I know at that point, obviously, the discussions  
 22 between companies and what they were going to do.  
 23 At that stage, there was -- I obviously  
 24 attended the call, but at that stage, there was no  
 25 discussion about separate counsel.

Susan C. Nissman, RPR-RMR  
(340) 773-8161

32

ANDREW DAVID CANNING -- DIRECT

1 Q. There was no discussion about separate counsel, is  
 2 that what you said?  
 3 A. No, ma'am. Yes, ma'am, I didn't raise my  
 4 reservations or concerns about not being personally  
 5 represented in that stage.  
 6 Q. Okay. Did you ask for representation?  
 7 A. At a later meeting, I did say that, you know, I'd  
 8 like to have -- I'd like to have separate representation,  
 9 because obviously I'm a named defendant in that case, and I  
 10 needed someone, I thought, to look after my interests.  
 11 Q. Well, how -- so you have this video conference.  
 12 And then at some time in -- later, you ask for separate  
 13 representation.  
 14 Was that when you got served?  
 15 A. I don't recall, exactly. I -- no, because, again,  
 16 I never actually got served.  
 17 Q. Well, that's correct. Your attorney agreed to  
 18 accept service for you, correct?  
 19 A. We had a discussion, and, yes, I -- we agreed that  
 20 we would waive the requirement for service.  
 21 Q. So between the video conference and when you  
 22 discussed wanting to have separate counsel, how many  
 23 meetings did you have with Vitol, the Vitol defendants, or  
 24 their attorneys?  
 25 A. I can't recall exactly. It may have been two or

Susan C. Nissman, RPR-RMR  
(340) 773-8161

1 maybe three.

2 Q. And who attended those two to three meetings?

3 A. Pretty much the same people that were there in the  
4 initial discussion.

5 Q. Anybody besides attorneys present at those  
6 meetings?

7 A. No. Well, other than myself, of course.

8 Q. And did you have any discussions with IPOS or its  
9 attorneys, other than those at the meetings?

10 A. Not that I recall, ma'am.

11 Q. And do you remember approximately when you decided  
12 you wanted separate counsel?

13 A. Around two or three meetings in, but I can't  
14 remember the exact date.

15 Q. Did you select who your counsel would be, or did  
16 Vitol select it?

17 A. Sorry. Could you repeat that?

18 Q. Did you select who your counsel would be, or did  
19 Vitol select it?

20 A. Vitol.

21 Q. Now, since the first call with David Smith, or the  
22 first e-mail with David Smith, how often did you have  
23 conversations or e-mails or texts with David Smith about  
24 this lawsuit?

25 A. I don't recall the exact number. No. It would

Susan C. Nissman, RPR-RMR  
(340) 773-8161

1 ANDREW DAVID CANNING -- DIRECT

2 have been a few initial communications back and forth, just  
3 to see where things stood, because, again, I didn't have  
4 access to the legal process in the Virgin Islands.

5 But David Smith and I used to -- on other  
6 subjects, on operational subjects, used to communicate more  
7 or less on a daily basis, so it may have been something  
8 mentioned during those operations update calls.

9 Q. And what were the general -- what was the content  
10 of the comments about the lawsuit?

11 A. It was just -- it was nothing really specific  
12 about it. We -- I was curious to understand whether --  
13 initially, whether I'd actually been -- I don't know what  
14 the term is legally, issued or whatever it is. Filed, I  
15 supposed is the term. And then it was his understanding  
16 of -- of IPOS's response.

17 Q. And what was his understanding of IPOS's response?

18 A. Was that they'd obviously notified their legal  
19 department and/or group or person, or whatever it was. And  
20 they were looking into the content of that. Of that  
21 particular lawsuit, and their response they were going to  
22 put forward.

23 Q. At some point, you went from working as a  
24 consultant for IPOS to a consultant for Vitol, correct?

25 A. No, that's not correct.

Q. You've never been a consultant for Vitol?

Susan C. Nissman, RPR-RMR  
(340) 773-8161

ANDREW DAVID CANNING -- DIRECT

35

1 A. No, I haven't.

2 Q. Your company sent you as consultant for Vitol;  
3 would that be fair?

4 A. No, it's not fair. Not correct.

5 Q. Have you ever -- ever worked for Virgin Islands --  
6 Vitol Virgin Islands?

7 A. Is that Vitol Virgin -- is that WIC, effectively?  
8 Virgin --

9 Q. Yes.

10 MR. KAPLAN: I object to the form of the  
11 question.

12 Q. (Ms. Rohn) You may answer.

13 A. Yes. I had a contract with WIC, or with the  
14 company, I had a contract with WIC.

15 Q. And when did that begin?

16 A. December 2020.

17 Q. And do you know why that occurred?

18 MR. SIMPSON: Object to the form.

19 Q. (Ms. Rohn) You may answer.

20 A. My understanding, Eduardo Garcia, who was the  
21 Vitol entity that set up the storage facilities at -- in the  
22 USVI wanted to be more directly involved with project work  
23 and other assets that Vitol were looking at.

24 Q. What other assets?

25 A. We never looked beyond the -- the Virgin Islands

Susan C. Nissman, RPR-RMR  
(340) 773-8161

ANDREW DAVID CANNING -- DIRECT

36

1 assets. It was an intent more than something that actually  
2 materialized.

3 Q. Well, how was your work different at WIC than it  
4 was at IPOS?

5 A. Primarily, the reporting route, but I still had  
6 the same remit to ensure the --

7 Q. Sorry. What do you mean -- excuse me. You have  
8 the same what?

9 A. The same -- I had a different reporting route. So  
10 my reporting route was direct to WIC. Prior to that, it  
11 was through IPOS. But the same -- it was the same scope, to  
12 ensure the safety and integrity and compliance of the -- the  
13 asset.

14 Q. And who, at WIC, did you report to?

15 A. Charlotte was my contact point in WIC.

16 Q. And who did you understand Charlotte worked for?

17 A. I'm not certain, but my understanding was she was  
18 probably WIC or Vitol. Certainly, she was based in their  
19 office. I don't know exactly what her contract status was.

20 Q. How often was Charlotte actually in the Virgin  
21 Islands when you were working for WIC?

22 A. I -- she wasn't here that often. I'd say once or  
23 twice, if that.

24 Q. Did you -- did anyone else from Vitol, Inc. come  
25 to the Virgin Islands?

Susan C. Nissman, RPR-RMR  
(340) 773-8161

1       A. We used to see Tim, and occasionally Sebastian  
2 would -- would visit.

3       Q. So when did you first start working for IPOS?

4       A. Sorry. Could you repeat that?

5       Q. Sure.

6                when did you, through Optis, first begin  
7 working for IPOS?

8       A. September 2016.

9       Q. And do you know how it came about that Optis sent  
10 you to go work for IPOS?

11       A. Yes.

12       Q. Okay. Can you answer why and how that came about?

13       A. Yes. The chief operating officer at VTTI  
14 contacted us and said that they needed support in the U.S.  
15 Virgin Islands to complete construction activities, and  
16 commissioning activities.

17       Q. And what do you understand is the relationship  
18 between IPOS and VTTI?

19       A. IPOS was -- my understanding, is IPOS was set up  
20 as an operating arm of VTTI to operate the Vitol facilities  
21 or WIC facilities on St. Thomas and St. Croix.

22       Q. And what did you understand was the scope of the  
23 work that you were to be doing?

24       A. Initially, as I said, from 2016, until we  
25 commissioned the plant in 2017, was to assist construction

Susan C. Nissman, RPR-RMR  
(340) 773-8161

1 and the commissioning teams to commission the plant.

2                And then after commissioning, 2017 -- I  
3 believe we commissioned St. Thomas, February 2017, maybe  
4 March, it was operations maintenance support.

5       Q. And who, at IPOS, did you report to?

6       A. Initially, during the construction completion  
7 process, it was Merlin Figueira.

8                After that, 20 -- 2016, David Smith took over  
9 as general manager.

10       Q. And who did you understand Merlin worked for?

11       A. He was a VTTI employee.

12       Q. Who did you understand David Smith worked for?

13       A. He was a VTTI employee.

14       **MS. FRANCIS:** I'm sorry. Objection.

15 Foundation to both of those.

16       Q. (Ms. Rohn) And what types of things did you report  
17 to Merlin?

18       A. Observations in terms of -- well, operation  
19 improvements, maintenance. Again, setting up maintenance,  
20 and looking at how that impacted reliability of the plant.

21       Q. Did that change anything when David Smith took  
22 over?

23       A. Not from the operations and maintenance  
24 perspective going forward, no.

25       Q. And do you have an understanding as to why it

Susan C. Nissman, RPR-RMR  
(340) 773-8161

1       changed from Merlin to David Smith?

2       A. No. I'd be speculating if I put anything forward  
3 on that.

4       Q. How did you learn that it was going from Merlin to  
5 David Smith?

6       A. Merlin announced that he was leaving, and that  
7 VTTI had engaged a new general manager, and he would be  
8 starting.

9       Q. Where did you understand Merlin went to?

10       A. In terms of communication, he went to Nigeria.

11       Q. For what company?

12       A. VTTI.

13       Q. And how did you learn you were going from IPOS to  
14 WIC?

15       A. The contract changed. There was -- in June/July,  
16 around that time, Eduardo Garcia said he'd like to set up a  
17 contract with WIC, and transition from IPOS to WIC.

18       Q. Did he tell you why?

19       A. And my contract would transition or change from  
20 IPOS to WIC.

21       Q. Did he tell you why he wanted to do that?

22       A. He indicated that he wanted more direct support  
23 for projects, and for other opportunities that Vitol may  
24 have.

25       Q. And when you worked for WIC, I think that you

Susan C. Nissman, RPR-RMR  
(340) 773-8161

1       said that you -- most of your communication was with  
2 Charlotte; is that correct?

3       **MR. KAPLAN:** Object to the form. Misstates  
4 prior testimony.

5       **MS. ROHN:** Noted.

6       Q. (Ms. Rohn) You can answer.

7       A. My reporting route would have been back through  
8 Charlotte, but I also kept IPOS general manager informed of  
9 any observations or issues that I'd noted at site.

10       Q. Did there come a time that the general manager of  
11 IPOS changed from David Smith back to Merlin Figueira?

12       A. No.

13       Q. Did Merlin ever return to IPOS?

14       A. He did.

15       Q. And in what capacity?

16       A. As a interim terminal manager.

17       Q. And where did Mr. David Smith go?

18       A. Seaport Canaveral. VTTI facility there.

19       Q. How was your relationship between you and David  
20 Smith?

21       A. Good.

22       Q. How was your relationship between you and Merlin?

23       A. Initially, good.

24       Q. Why do you say, "initially, good"?

25       A. Towards the latter part of the contract, we had

Susan C. Nissman, RPR-RMR  
(340) 773-8161

1 challenges, which is normal in business, but -- so it wasn't  
 2 all cordial all the time.

3 Q. Was one of the challenges over Petro?

4 A. Not specifically, no.

5 Q. Did you stay in communication with David Smith  
 6 when Merlin was interim terminal manager?

7 A. Yes. David Smith remained as general manager for  
 8 both facilities.

9 Q. Did you criticize Mr. Figueroa -- Figueira to  
 10 David Smith?

11 A. I raised concerns.

12 Q. Did you send an e-mail that described what you  
 13 perceived as poor decision-making, and then said, but he's  
 14 your general manager?

15 A. I don't recall that.

16 Q. Did you attempt to undermine Mr. Figueira?

17 A. No.

18 Q. When did you first start doing work with Petro?

19 A. Petro as a company, or Petro as employees that  
 20 worked for Petro?

21 Q. I don't understand the distinction.

22 A. Petro came out of the Vivot Corporation. We  
 23 originally looked for a contractor to do operation -- sorry,  
 24 maintenance support activities when NIS finished their term  
 25 with us at the end of the construction phase.

Susan C. Nissman, RPR-RMR  
 (340) 773-8161

1 I was approached, and a case put forward. I  
 2 put the case forward to David Smith to engage the Vivot  
 3 Corporation.

4 During that time, Adrian Melendez, and later  
 5 Chetram Persaud, worked for the Vivot Corporation in terms  
 6 of their maintenance support contract.

7 Later, I was approached by Adrian and Chad,  
 8 who said that they didn't believe that Vivot were not giving  
 9 us a good service, and were going to set up a company  
 10 independent of Vivot Corporation, and they were going to  
 11 take all the employees that were delivering the service at  
 12 site.

13 So in terms of Petro Industrial, when that  
 14 transition took place, I was already aware of the  
 15 individuals that formed Petro Industrial, and delivered  
 16 their service.

17 Q. And did Petro come to IPOS to try to take over the  
 18 contract?

19 A. Could you rephrase that?

20 Q. Did the contract change from Vivot to Petro?

21 A. Yes, it did.

22 Q. Okay. And how did that occur?

23 A. I was approached, as I said, by Adrian Melendez,  
 24 Jr. and Chetram Persaud on site. They said they weren't  
 25 happy with Patrick Vivot and the arrangement there.

Susan C. Nissman, RPR-RMR  
 (340) 773-8161

43  
 ANDREW DAVID CANNING -- DIRECT

1 They said that they were considering setting  
 2 up a company. Would I support them going forward? And I  
 3 said, I have no issues with the service you're delivering.  
 4 Obviously, you tell me that you're going to take the  
 5 workers, the individuals that are delivering the service. I  
 6 said, I'm more than happy with those individuals. I  
 7 certainly will support you going forward. And I put that  
 8 case to David Smith.

9 Q. And what was David Smith's reaction?

10 A. We had a discussion, and we're both in agreement  
 11 that it would be a logical way forward to retain the service  
 12 that we were getting.

13 Q. Did you participate in the negotiation of the  
 14 contract with Petro?

15 A. Not directly, no.

16 Q. Did you indirectly participate in the contract  
 17 with Petro?

18 A. I did.

19 Q. Okay. And how did you indirectly participate?

20 A. David Smith ran the contract past me. Up to that  
 21 stage, it was pretty new, in terms of contract issue direct  
 22 from IPOS, so he just asked me to check through the reading,  
 23 the logic, and the finer detail around the -- the contract,  
 24 to see if I could see any anomalies.

25 Q. Do you know who drafted the contract?

Susan C. Nissman, RPR-RMR  
 (340) 773-8161

44  
 ANDREW DAVID CANNING -- DIRECT

1 A. I believe it was David Smith.

2 Q. And what expertise do you have in drafting  
 3 contracts?

4 A. Would you repeat that? It was a bit noisy.

5 Q. Yes.

6 what expertise do you have in drafting  
 7 contracts?

8 MR. SIMPSON: Objection.

9 MS. ROHN: Noted.

10 A. No direct experience in drafting contracts, but  
 11 obviously in my role as offshore installation manager and  
 12 previous roles, I was obviously party to reviewing contracts  
 13 in terms of their acceptance.

14 Q. (Ms. Rohn) You were reviewing the contracts for  
 15 what?

16 A. Content, and whether there were any particular  
 17 clauses that should or should not be in that type of  
 18 contract.

19 Q. And that was for what type of facility?

20 A. Oil and gas facility.

21 Q. What type of oil and gas facility?

22 A. Upstream production facility.

23 Q. Is that an offshore?

24 A. Could be, or it could be onshore.

25 Q. Well, I don't want "could be."

Susan C. Nissman, RPR-RMR  
 (340) 773-8161

Susan C. Nissman, RPR-RMR  
(340) 773-8161

1 make sure it had the correct terms and conditions.  
2 And then do you remember approximately when  
3 you began to do work with the company, Petro?  
4 A. I don't recall exactly, no.  
5 Q. And how would you describe the type of oversight  
6 that you had as to Petro?  
7 MR. SIMPSON: Objection.  
8 Q. (Ms. Rohn) You may answer.  
9 A. It was monitoring the delivery of their service  
10 against whatever criteria was applicable.  
11 Q. Did you have input on the budget for their  
12 services?  
13 A. Could you clarify that, please, a little bit more?  
14 Q. Sure.  
15 Did you oversee, did you look at, make  
16 comments about, the budget for their services?  
17 A. There would be occasion where, yes, when I was  
18 asked to look at their submissions.  
19 Q. How would you describe your relationship with  
20 the -- with Petro?  
21 A. Good.  
22 Q. Sir, did you ever refer to Petro or its employees  
23 as incompetent or unprofessional?  
24 A. No.  
25 Q. Never?

Susan C. Nissman, RPR-RMR  
(340) 773-8161

ANDREW DAVID CANNING -- DIRECT

47

48

ANDREW DAVID CANNING -- DIRECT

1 A. Not that I recall.

2 Q. Did you have -- did there -- did Petro complain

3 about you, sir?

4 A. I have no recollection of that, no.

5 Q. Were you ever told by Merlin, or anyone at IPOS,

6 that you should not have direct communications with Petro?

7 A. I was told that at one stage, that they'd rather I

8 didn't necessarily communicate with Petro, because of

9 particular issues that allegedly had occurred.

10 Q. And what issues were those, sir?

11 A. Sorry. Could you repeat? There was paper moving.

12 Q. What issues were those, sir?

13 A. Apparently, I told someone to stop a job.

14 Q. And who was that, sir?

15 A. Sorry. Who was -- could you --

16 Q. Who you apparently told to stop the job?

17 A. I have no idea. I didn't -- I didn't recall any

18 time that I actually told someone to stop a job, so no idea.

19 Q. And who told you to stop communicating directly

20 with Petro?

21 A. It was a discussion that I had with David Smith

22 and Merlin, and they advised me that under the current

23 climate and circumstances, that it would probably be better

24 not to communicate directly with -- with Petro.

25 Q. And what were the current circumstances?

Susan C. Nissman, RPR-RMR  
(340) 773-8161

1           A. The allegation that I had actually asked for a job  
2 to be stopped.

3           Q. Did you ever cause to have employees of Petro  
4 removed from the job?

5           A. No.

6           Q. You didn't have three employees removed from the  
7 job because you thought their timesheets were improper?

8           A. I believe that decision was made by IPOS.

9           Q. Did you ever advocate for that decision?

10          A. What does "advocate" mean, exactly?

11          Q. Recommend. Approve. Think it's a good idea.

12           **MR. SIMPSON:** Objection.

13          Q. (*Ms. Rohn*) You may answer.

14          A. I had questions over work quality and  
15 productivity. Whether those were considered to be, whatever  
16 the word was you described, then, yeah, that was the extent  
17 of it.

18          Q. Were these the same employees who had worked for  
19 Vivot?

20          A. I don't recall them working for Vivot, no.

21          Q. Were these the same employees that had started  
22 originally with Petro?

23          A. I don't recall them being original employees with  
24 Petro, no.

25          Q. And can you tell me precisely what about their

Susan C. Nissman, RPR-RMR  
(340) 773-8161

1 work quality you had problems with?

2 A. Yes. I discussed this with -- with Adrian  
3 Melendez. It was the quality of the welding they'd done,  
4 and apparent technical issues they had with -- during  
5 reinforced concrete.

6 Q. I'm sorry, apparent technical issues they had with  
7 what?

8 A. Apparent technical issues they had with  
9 drilling -- drilling holes in reinforced concrete.

10 Q. Sir, when you determined that they had problems  
11 drilling holes in reinforced concrete, how long had they  
12 been working for Petro?

13 A. I don't know for sure. No, I don't know. I have  
14 no idea their employment terms of whether they were working  
15 at our site or other sites.

16 Q. Would you agree with me it would have been more  
17 than six months?

18 A. If I can recall the contracts that I may have seen  
19 them on, it may have been more than six months, yes.

20 Q. And did you believe they were not qualified for  
21 the entire six months?

22 A. I don't think I've ever raised the question of  
23 whether they're qualified for a particular time period.

24 Q. Well, how long did you form the opinion that the  
25 quality of the welding wasn't sufficient?

Susan C. Nissman, RPR-RMR  
(340) 773-8161

1 A. During the so-called RIO panel installation. I  
2 can't remember exactly when that occurred now. Probably  
3 early 2021.

4 Q. Was the RIO panel in 2019?

5 A. I don't recall. I seem to remember 2021. I don't  
6 recall the exact date. Early on in 2021, comes to mind.

7 Q. And what welding did they have to do for the RIO  
8 panel?

9 A. Structural welding. They had to attach frameworks  
10 to existing structural steelwork.

11 Q. And prior to that, had they been welding?

12 A. I recall -- I believe. Well, I couldn't say for  
13 sure. I have two jobs in mind that they may have welded on:  
14 One was the -- a platform in St. Thomas; and the other was  
15 some jetty rework at St. Croix. Both jobs were, yeah,  
16 welding jobs.

17 Q. And did you believe that the quality of the  
18 welding was bad on all those jobs, too?

19 A. I wasn't required. They were IPOS-lead jobs, not  
20 project-related jobs, so I didn't have any direct  
21 involvement on that.

22 Q. Well, who lead jobs were those?

23 A. IPOS.

24 Q. I thought you said, I don't recall those were IPOS  
25 jobs?

Susan C. Nissman, RPR-RMR  
(340) 773-8161

1 A. Sorry?

2 Q. I thought you just said, I don't recall that those  
3 were IPOS jobs?

4 A. I don't believe I said that.

5 Q. Okay. Well, I misunderstood you, then.

6 A. Okay.

7 Q. Sir, then, did you believe the quality of their  
8 welding on those jobs was insufficient?

9 A. They were IPOS-lead jobs. I wasn't involved with  
10 those directly, so I don't know.

11 Q. Well, are you saying there were jobs that were  
12 lead by you?

13 A. In terms of project, yes. That was one of my  
14 assigned tasks.

15 Q. So what projects did you lead?

16 A. In what time period?

17 Q. From 2019 until 2021. Through 2021.

18 A. Yeah. They would have been projects related --  
19 legacy projects from the construction phase, and specific  
20 projects that Vitol or WIC were installing.

21 Q. Sir, what were those projects?

22 A. Sometime back. Refreshing my memory. Quite a few  
23 of them.

24 Q. We had to put additional handrails around  
25 the -- well, that was before 2019. I'd have to have a look

Susan C. Nissman, RPR-RMR  
(340) 773-8161

1 at -- back at my notes to come up with specific projects.

2 But up to 2019, I'm just trying to think of  
3 major activities that were occurring. I can't recall exact  
4 detail at this stage. At this point.

5 MR. SIMPSON: Lee, we've been going for about  
6 an hour and a half. When you come to a good stopping point,  
7 can we take a five-minute break?

8 MS. ROHN: This is a five -- yeah,  
9 absolutely.

10 Again, Mr. Canning, this is not an endurance  
11 test. You are perfectly free to tell me if you would like  
12 to stretch your legs or whatever, okay?

13 THE WITNESS: Thank you very much. Yes,  
14 thank you very much, ma'am.

15 MS. ROHN: Okay.

16 MR. SIMPSON: We're going to take a  
17 five-minute break now?

18 MS. ROHN: Yeah, sure. Five minutes is  
19 great.

20 MR. SIMPSON: Okay.

21 (Short recess taken.)

22 Q. (Ms. Rohn) My client reminded me that I failed to  
23 ask you the name of the COO at VTTI that originally  
24 contacted Optis about you guys doing work.

25 Who was that?

Susan C. Nissman, RPR-RMR  
(340) 773-8161

ANDREW DAVID CANNING -- DIRECT

ANDREW DAVID CANNING -- DIRECT

1 A. Garry Stoker.  
 2 Q. And how did you know Garry Stoker?  
 3 A. Garry Stoker and I had worked together on  
 4 Liverpool Bay, the platform. Liverpool Bay on the Douglas  
 5 platform. Sorry.  
 6 Q. I can't understand anything you just said.  
 7 A. Okay.  
 8 Q. So you worked for, and then you broke up.  
 9 A. Sorry. I know Garry as -- as I worked with him  
 10 and for him several times at different locations.  
 11 Q. Okay. And who did he work for when you worked for  
 12 him at different locations?  
 13 A. We first met at BHP Petroleum, and we were working  
 14 on the Douglas Field.  
 15 Q. All right. And at any of the -- at any of the  
 16 other times that you worked with him, did he work for VTTI?  
 17 A. No.  
 18 Q. And can you describe for me the supervision that  
 19 you received from Optis on the jobs that you did for IPOS or  
 20 WIC?  
 21 A. In terms of super --  
 22 MR. SIMPSON: Objection. Go ahead.  
 23 A. I'm sorry.  
 24 Q. (Ms. Rohn) You can answer.  
 25 A. Yeah. In terms of supervision, it was really just

Susan C. Nissman, RPR-RMR  
(340) 773-8161

1 keeping the company informed generally how the contract was  
 2 going. No direct supervision beyond that.  
 3 Q. And how would you keep them informed as to how the  
 4 contract was going?  
 5 A. Just if there were any particular issues. That's  
 6 it.  
 7 Q. Well, how would you tell them? Would that be  
 8 e-mail? By report?  
 9 A. By e-mail. If there was an issue I'd been asked a  
 10 question on invoicing or whatever, yeah.  
 11 Q. Well, I'm not asking about invoicing. I'm asking  
 12 about -- I think you said if there were any issues about how  
 13 the contract was going.  
 14 Would you have e-mailed them about that?  
 15 A. I would, yes, if there was an issue.  
 16 Q. Have you searched your e-mails for those e-mails?  
 17 A. Sorry. Could you repeat that?  
 18 Q. Have you searched your e-mails for those e-mails  
 19 to IPOS -- Optis, sorry, about any issues with the job?  
 20 A. I don't recall any specific search for that.  
 21 Q. During the time that you acted as a consultant for  
 22 Optis, do you -- first of all, do you still act as a  
 23 consultant for Optis?  
 24 A. Yes.  
 25 Q. Okay. During the times that you act as a

Susan C. Nissman, RPR-RMR  
(340) 773-8161

ANDREW DAVID CANNING -- DIRECT

ANDREW DAVID CANNING -- DIRECT

1 consultant for Optis, did you ever receive any training in  
 2 discrimination?  
 3 A. Yes.  
 4 Q. Okay. And what training and discrimination did  
 5 Optis give you?  
 6 A. We have specific procedures, which we sign on or  
 7 signed on when we took employment. And we are required to  
 8 review those, periodically. They're discussed with, as a  
 9 team, with any issues -- sorry, with any questions we may  
 10 have on those.  
 11 And also when we started on this particular  
 12 project, although it's not directly Optis, we had a review  
 13 with Merlin Figueira.  
 14 Q. Okay. So you say you had specific procedures you  
 15 had to sign off on.  
 16 Who gave you those procedures?  
 17 A. They're issued by the company. Normally, it would  
 18 be our office manager that presents those procedures.  
 19 Q. Okay. And are those in written form or computer  
 20 form?  
 21 A. Well, they're controlled copies, so normally it  
 22 would be in computer form.  
 23 Q. And can you describe those procedures?  
 24 A. Business conduct refers to doing business in  
 25 countries where they may have different cultural standards

Susan C. Nissman, RPR-RMR  
(340) 773-8161

1 and requirements. There's inclusion and diversity  
 2 considered.  
 3 And then specifically with IPOS in mind, it  
 4 was understanding the particular requirements of the Virgin  
 5 Islands, and, yeah, that was it.  
 6 Q. Okay. So I'm really focusing on Optis. That's my  
 7 question.  
 8 A. Okay.  
 9 Q. So -- so you got something in a business conduct  
 10 about countries with different standards.  
 11 What else did you get, as far as  
 12 discrimination training?  
 13 A. That was -- the only other thing that happens in  
 14 our processes is when we go to a new location, we've got a  
 15 specialist support/insurance support group.  
 16 Q. I'm sorry. You broke up. Wait. Stop. You broke  
 17 up. You got --  
 18 A. Sorry.  
 19 Q. You got a specialist, what?  
 20 A. Travel insurance company. And we look at  
 21 particular requirements. As part of the risk assessment  
 22 process, the particular requirements of any particular  
 23 country, that includes not only the cultural requirements,  
 24 but also any security requirements we may require.  
 25 Q. Now, the -- this Optis -- Optis, understand the

Susan C. Nissman, RPR-RMR  
(340) 773-8161

1 requirements of the Virgin Islands, or the -- this was from  
 2 Merlin. Was this written or verbal?

3 A. Oh, sorry. The introduction? It was -- it was a  
 4 written document. He also had a briefing, the team that  
 5 came across with me, from Merlin, before we actually  
 6 attended site.

7 Q. Okay. And what was the verbal briefing?

8 A. It gave the background of any -- any issues that  
 9 they actually encountered during the construction, early  
 10 commissioning phases.

11 Q. What does that have to do with discrimination?

12 A. One of the issues they had was alleged  
 13 discrimination.

14 Q. Okay. And what, precisely, did he tell you about  
 15 that?

16 A. He gave us an indication what he thought the  
 17 causes were, and we had to -- yeah, that was it.

18 Q. And what did -- what did he think the causes were?

19 A. He was unsure. It was an allegation. But, yeah,  
 20 there was things like communication, et cetera.

21 Q. Sir, this is a deposition --

22 A. Oh, sorry.

23 Q. -- so "et cetera" just doesn't do it.

24 So, sir, was there a charge against the --  
 25 IPOS for discrimination?

Susan C. Nissman, RPR-RMR  
 (340) 773-8161

1 ANDREW DAVID CANNING -- DIRECT

2 A. There was a lawsuit raised against the crew that  
 3 we replaced.

3 Q. Okay. And who was the crew you replaced?

4 A. They were contractors retained by VTTI for the  
 5 construction phase.

6 Q. Named?

7 A. I don't know. They were separate contractors. I  
 8 don't know. There was no company as such.

9 Q. And then you said, the team we brought down.  
 10 What team did you bring down?

11 A. There were four. I remember four individual  
 12 specialists. I was one of them.

13 Q. And who brought them down?

14 A. VTTI.

15 Q. Well, so when you say, "we brought down," who's  
 16 "we"?

17 A. That's, I guess --

18 MR. SIMPSON: Don't guess.

19 A. Sorry. It was just a figurative term. It was, I  
 20 guess -- no, I don't guess.

21 I considered myself to be part of IPOS, so --  
 22 and, you know, it's just poor terminology, I'm afraid.

23 Q. (Ms. Rohn) Who else was -- was involved, besides  
 24 you?

25 A. In that particular team?

Susan C. Nissman, RPR-RMR  
 (340) 773-8161

59  
 ANDREW DAVID CANNING -- DIRECT

1 Q. Yes.

2 A. I can't remember everyone's names. Glenn Sibbick  
 3 was one of them. There was a process engineer, and also an  
 4 instrument and electrical engineer. I can't remember their  
 5 names off -- at this particular time.

6 Q. During the time that you worked for -- so the  
 7 conversation about discrimination with Merlin was the fact  
 8 that the last group had been sued for discrimination, or  
 9 IPOS had been sued for discrimination?

10 A. I don't know the specifics of the -- the lawsuit.

11 Q. So he discussed that lawsuit with you.

12 Did he give you any other training about  
 13 discrimination?

14 A. No, ma'am.

15 Q. Okay. Did he tell you anything about the unique  
 16 qualities of Virgin Islanders?

17 A. I can't recall the exact detail.

18 Q. During the time that you worked at IPOS, did you  
 19 ever receive any training in discrimination?

20 A. Not that I recall.

21 Q. During the time that you were at IPOS, did you  
 22 ever observe any of the employees of IPOS getting any  
 23 training in discrimination?

24 A. I don't recall.

25 Q. During the time that you worked for WIC, did you

Susan C. Nissman, RPR-RMR  
 (340) 773-8161

60  
 ANDREW DAVID CANNING -- DIRECT

1 get any training in discrimination?

2 MR. KAPLAN: Object to the form of the  
 3 question. Misstates his relationship.

4 MS. ROHN: Please stop making speaking  
 5 objections.

6 MR. KAPLAN: It's just the question misstates  
 7 his prior testimony.

8 MS. ROHN: Sir, I'm not going to get in an  
 9 argument with you.

10 MR. KAPLAN: Don't instruct me what to do,  
 11 then.

12 MS. ROHN: Okay. I'll call the court. Would  
 13 you rather I do that? Because you're not allowed to make  
 14 speaking objections.

15 MR. KAPLAN: I'm allowed, under Rule 30, to  
 16 state the basis distinctly for my objection.

17 I stated the basis for my objection, which is  
 18 you misstated his prior testimony.

19 MS. ROHN: Great. Thank you.

20 Q. (Ms. Rohn) Did you do work for WIC as a  
 21 consultant?

22 A. Sorry. Is that -- is that directed to me?

23 Q. Yes, sir.

24 A. Could you repeat?

25 Q. Did you work for WIC? Did you work for WIC as a

Susan C. Nissman, RPR-RMR  
 (340) 773-8161

ANDREW DAVID CANNING -- DIRECT

1 consultant?  
 2 A. Yes.  
 3 Q. So did you get any training when you worked for  
 4 WIC as a consultant?  
 5 A. Not that I recall.  
 6 Q. Okay. Have you ever received any training, actual  
 7 sit-down training in discrimination?  
 8 A. I don't recall.  
 9 Q. Now, were there times when IPOS would contradict  
 10 procedures that you thought the work should be done by?  
 11 MR. SIMPSON: Objection.  
 12 Q. (Ms. Rohn) You may answer.  
 13 A. Not that I recall.  
 14 Q. There weren't times when Petro -- were there times  
 15 when Petro would contradict the procedures that you had in  
 16 place?  
 17 MR. SIMPSON: Objection.  
 18 A. I don't recall.  
 19 Q. (Ms. Rohn) Were there times when there were  
 20 procedures for doing a job that you gave to Petro, where  
 21 Petro would tell you that that procedure would not work?  
 22 A. Not that I recall.  
 23 Q. Do you remember a -- the 1-inch vent line? Was it  
 24 vent line?  
 25 MR. MELENDEZ: Yes.

Susan C. Nissman, RPR-RMR  
(340) 773-8161

ANDREW DAVID CANNING -- DIRECT

1 Q. (Ms. Rohn) 1-inch vent line project?  
 2 A. I recall a 1-inch vent and drain project for  
 3 St. Croix.  
 4 Q. Okay. And what was your -- what was your  
 5 participation in that project?  
 6 A. Project support.  
 7 Q. Would that project support include evaluating who  
 8 would receive the assignment to do that job?  
 9 A. No, ma'am.  
 10 Q. So you were not involved in overseeing the bids  
 11 for that job; is that correct?  
 12 A. That's correct.  
 13 Q. Did you participate in evaluating the bids in any  
 14 way?  
 15 A. Only by -- only in summarizing and sending the  
 16 information on to IPOS.  
 17 Q. Well, in your summary, did you point out pros and  
 18 cons?  
 19 A. I recall I did.  
 20 Q. And is -- was one of the persons who was  
 21 bidding -- one of the companies that was bidding for that  
 22 job Petro?  
 23 A. It was.  
 24 Q. Okay. And did you have any criticisms of Petro in  
 25 your summary?

Susan C. Nissman, RPR-RMR  
(340) 773-8161

63

ANDREW DAVID CANNING -- DIRECT

1 A. Not that I recall.  
 2 Q. Did you have any particular company that you  
 3 favored for that bid?  
 4 A. No.  
 5 Q. Did you initially take the position that Petro  
 6 could not bid for that job?  
 7 A. No.  
 8 Q. Was -- did anyone take the position that Petro  
 9 could not bid for that job?  
 10 A. Not that I know of.  
 11 Q. Do you recall having a discussion with Merlin  
 12 Figueira -- I think that's how you pronounce his name. I  
 13 just call him Merlin -- came to you and said that it would  
 14 be in IPOS's best interest to allow Petro to bid on that  
 15 job?  
 16 A. Not that I recall.  
 17 Q. Did you recall having any discussions claiming  
 18 that IPOS had improperly included Traeger information in  
 19 that bid?  
 20 MR. SIMPSON: Objection as to form.  
 21 A. Sorry. Could you repeat that?  
 22 Q. (Ms. Rohn) Yes.

23 Did you ever have any conversation with  
 24 anyone that you believed that Traeger had improperly  
 25 provided information in that bid?

Susan C. Nissman, RPR-RMR  
(340) 773-8161

64

ANDREW DAVID CANNING -- DIRECT

1 A. I don't recall that, no.  
 2 Q. Had you actually called Traegers' activity in that  
 3 bid criminal?  
 4 A. No.  
 5 Q. Do you recall who got that bid?  
 6 A. I recall it was Specialty Fabrication.  
 7 Q. Where were they out of?  
 8 A. I recall somewhere in Florida, yeah.  
 9 Q. And what do you understand Traeger Brothers is?  
 10 A. A materials --  
 11 Q. What do they do?  
 12 A. A materials supply, primarily.  
 13 Q. Okay. Well, can you tell me why, sir, when it was  
 14 alleged in Paragraph 34 of Plaintiff's First Amended  
 15 Complaint that Traeger Brothers is a supplying company, that  
 16 both IPOS, through Canning, and plaintiff, used for various  
 17 materials and supplies, you claim you lack sufficient  
 18 information to agree to that?  
 19 A. Sorry. Could you repeat that?  
 20 Q. Yes, sir.  
 21 In -- when Mr. -- when Petro alleged in  
 22 Paragraph 34 of their Complaint that Traeger Brothers is a  
 23 supplying company, that both IPOS, through Canning, and  
 24 plaintiff, used for various materials and supplies, you  
 25 answered that you lacked sufficient information to admit or

Susan C. Nissman, RPR-RMR  
(340) 773-8161

1 deny that.

2 Don't you, in fact, know that that's true,  
3 sir?

4 A. They also supply other services.

5 Q. And material? So admitting they supply IPOS and  
6 Petro, correct?

7 MR. SIMPSON: Objection.

8 A. I don't know for sure that they actually provided  
9 Petro with materials. I recall they probably did.10 Q. (Ms. Rohn) Well, sir, wouldn't you see the bids,  
11 and the bids would tell you where the materials are coming  
12 from?

13 A. Not necessarily. we didn't require --

14 Q. I don't mean always, sir.

15 Did you ever see bids where the materials  
16 that Petro was using were coming through Traeger Brothers?

17 A. I recall I probably did, yes.

18 Q. Now, did there come a time that IPOS agreed to  
19 meet directly with Traeger Brothers?

20 A. I have no recollection of that.

21 Q. And isn't it true, sir, that Traeger Brothers  
22 pointed out that your advice to IPOS was causing them to  
23 lose money, or spend more money than they needed to? Do you  
24 recall learning that, sir?

25 MR. SIMPSON: Objection.

Susan C. Nissman, RPR-RMR  
(340) 773-8161

1 ANDREW DAVID CANNING -- DIRECT

2 A. I don't recall that.

3 Q. (Ms. Rohn) And that -- so you don't recall ever  
4 knowing that there were meetings directly between Traeger  
5 Brothers and IPOS?6 A. I don't recall any meetings directly between  
7 Traeger Brothers and IPOS.

8 Q. You didn't write any e-mails about that?

9 A. Sorry. Could you repeat that?

10 Q. Is it your testimony you never wrote any e-mails  
11 about that event? That fact?12 MR. SIMPSON: Objection. That's not what his  
13 testimony was.14 Q. (Ms. Rohn) Sir, is it your -- please stop making  
15 speaking objections.16 Is it your testimony that you never wrote any  
17 e-mails to anyone about the fact that IPOS was meeting  
18 directly with Traeger?

19 A. I don't recall that.

20 Q. Sir, did you ever have to oversee and approve the  
21 invoices submitted to IPOS by Petro?22 A. I did confirm correlation between site timesheets  
23 and the invoice ahead of it being sent on to IPOS.24 Q. So is it your testimony that you only oversaw them  
25 as to the labor costs?

26 A. No. I also received equipment hire.

Susan C. Nissman, RPR-RMR  
(340) 773-816167  
ANDREW DAVID CANNING -- DIRECT1 Q. And, sir, when you would get the invoices for --  
2 from Petro, would they be as the job progressed, or at the  
3 end of the job?4 A. Depending, obviously, on the length of the job,  
5 but, generally, as the job progressed.

6 Q. So would you get them weekly? Monthly?

7 A. It varied. It could be weekly. Bi-weekly.

8 Q. But not monthly?

9 A. I don't recall.

10 Q. Okay. Did you ever get invoices at the end of a  
11 job from like on special projects?12 A. We obviously get the final invoices, dependent, as  
13 I said before, on the length of the job.14 Q. Were there times that you would get them on the  
15 end of the job?

16 A. Yes.

17 Q. And how quickly would you turn those invoices  
18 around as to your approval?

19 A. As quickly as I could.

20 Q. Well, how quick was that?

21 A. Depended when I could dedicate the necessary time  
22 to do it.23 Q. Well, sir, as to the Petro invoices, how long  
24 would it take you to give your approval on those invoices on  
25 special projects?Susan C. Nissman, RPR-RMR  
(340) 773-816168  
ANDREW DAVID CANNING -- DIRECT

1 MR. SIMPSON: Objection. Asked and answered.

2 Q. (Ms. Rohn) You may answer.

3 A. Sorry. Could you repeat it?

4 Q. As to Petro invoices on special projects, how  
5 quickly would you turn those invoices around?

6 A. As quickly as I could.

7 Q. Well, what would prevent you from doing it within  
8 a week?

9 A. My day job.

10 Q. Isn't that part of your day job, sir?

11 A. Not exactly, no. It was something I inherited  
12 once the -- the project team wound down.13 Q. Well, sir, you got paid to do that, didn't you?  
14 Optis got paid to do that?15 A. It wasn't in my role definition as operating  
16 maintenance support. It's something that I, as I said,  
17 retained from the commissioning project winding down.18 Q. Sir, on this job, did you get paid directly by  
19 IPOS or through Optis?

20 A. Through Optis.

21 Q. Huh?

22 A. Through Optis.

23 Q. Okay. And was it Optis -- Optis that paid you, or  
24 some other company?

25 A. It was Optis that paid me.

Susan C. Nissman, RPR-RMR  
(340) 773-8161

ANDREW DAVID CANNING -- DIRECT

1 Q. And do you know who paid Optis?  
 2 A. IPOS.  
 3 Q. Well, when you worked for WIC, who paid -- who  
 4 paid Optis?  
 5 A. WIC.  
 6 Q. So, sir, did you tell anybody, I'm not doing this.  
 7 I'm not -- I'm not authorizing these invoices. I just --  
 8 I'm not doing it?  
 9 A. No.  
 10 Q. Okay. So -- and you knew, of course, Petro  
 11 couldn't be paid, until you reviewed their invoices,  
 12 correct?  
 13 A. Understood that would be the position, yes.  
 14 Q. And, sir, didn't you hold their invoices sometimes  
 15 for three or four months without approving them?  
 16 A. I may have done it, if there were anomalies that  
 17 hadn't been clarified.  
 18 Q. Okay. Well, what would prevent you from telling  
 19 Petro about an anomaly for 90 days?  
 20 A. Nothing. But there was a lot of communication  
 21 backwards and forwards while the clarifications were sorted,  
 22 in some instances.  
 23 Q. Do you recall an incident where -- do you recall  
 24 ever requesting that Chad Persaud go to St. Thomas and  
 25 oversee the St. Thomas jobs?

Susan C. Nissman, RPR-RMR  
(340) 773-8161

1 A. There were probably occasions when he did go  
 2 across.  
 3 Sorry. Could you repeat the question?  
 4 Q. Yes. Do you recall occasion when you told Chad  
 5 Persaud that you wanted him to personally oversee the  
 6 St. Thomas jobs?  
 7 A. I don't recall that.  
 8 Q. Do you recall on any occasion that you told chad  
 9 Persaud you wanted him to oversee a St. Thomas job?  
 10 A. I can't recall that.  
 11 Q. What did you understand Chad Persaud's position  
 12 was at Petro?  
 13 A. I understood him to be a part owner, and also  
 14 general manager, I believe.  
 15 Q. Did you understand him to be the project manager?  
 16 A. Sorry. Could you repeat that?  
 17 Q. Did you understand him to be the project manager?  
 18 A. On certain tasks, I recall that he was referenced  
 19 as project manager.  
 20 Q. Did you do any work with Johnny Alfonseca?  
 21 A. Sorry. Could you repeat that, please?  
 22 Q. Did you do any work -- oversee any work done by  
 23 Johnny Alfonseca?  
 24 A. Oh, Johnny, the Petro supervisor, is that the  
 25 person you're referencing?

Susan C. Nissman, RPR-RMR  
(340) 773-8161

71

ANDREW DAVID CANNING -- DIRECT

1 Q. Yes.  
 2 A. Sorry. Could you repeat the question again, then?  
 3 Q. Did you oversee any work being done by Johnny?  
 4 A. Yes, I did.  
 5 Q. Okay. Did you have any trouble with overseeing  
 6 the work done by Johnny?  
 7 MR. SIMPSON: Objection.  
 8 A. I monitored the work that was being done by  
 9 Johnny. He lead the team over there.  
 10 Q. (Ms. Rohn) Sir, do you recall telling Mr. Persaud  
 11 that you couldn't understand Johnny, and that you needed to  
 12 have him oversee the work that Johnny was overseeing?  
 13 A. No, I never did that.  
 14 Q. Did you ever have Mr. Persaud work on jobs that  
 15 Johnny was the manager of?  
 16 A. No, I never did that.  
 17 Q. Did you -- would you, in the overseeing of the  
 18 invoices from Petro, hold up an entire invoice payment over  
 19 discrepancy in an employee's time?  
 20 MR. SIMPSON: Objection.  
 21 MS. ROHN: Noted.  
 22 A. I don't recall that.  
 23 Q. (Ms. Rohn) You don't recall holding up the invoice  
 24 for the --  
 25 A. Sorry. The sound's gone.

Susan C. Nissman, RPR-RMR  
(340) 773-8161

72

ANDREW DAVID CANNING -- DIRECT

1 Q. Did you ever hold up a invoice for the reverse  
 2 loading for 90 days because of a question on Mr. Persaud's  
 3 time?  
 4 A. I don't recall that.  
 5 Q. Did you ever accuse Petro's employees of forging  
 6 timesheets?  
 7 A. I don't recall that.  
 8 Q. Did you ever accuse Petro's employees of purposely  
 9 putting down the incorrect times that they worked?  
 10 A. I don't recall that.  
 11 Q. Sir, is there a time that you claim that you fell  
 12 through some grating?  
 13 A. I do recall an incident.  
 14 Q. And do you recall where that incident occurred?  
 15 A. St. Thomas boiler room.  
 16 Q. Was on the WAPA property, correct?  
 17 A. The ground full site is within the confines of the  
 18 WAPA facility, yes.  
 19 Q. And, sir, when you went into that area, did you  
 20 have a permit to go in that area?  
 21 A. No.  
 22 Q. Were you required to have a permit to go in that  
 23 area?  
 24 A. No.  
 25 Q. Well, what was WAPA's permitting requirement?

Susan C. Nissman, RPR-RMR  
(340) 773-8161

ANDREW DAVID CANNING -- DIRECT

A. This was an IPOS site.

Q. The question is, what is WAPA's permitting procedures?

A. For that particular site?

Q. No, sir. Not for that particular site, period.

What was their permitting procedure?

A. Pretty much as IPOS. If you were doing particular work activities, you had to request a permit to do those work activities.

Q. So for the -- something like, oh, the Number 3 vent line, would you have to get permits from WAPA to do that?

A. Yes, ma'am.

Q. And who would be in charge of getting those permits?

A. The operations team.

Q. And who would be the operations team?

A. Depending on which side of the fence.

Q. Well, how about on the WAPA side of the fence?

A. It would be WAPA's permits.

Q. It would be what?

A. WAPA's permits.

Q. Okay. And who would be in charge of getting those permits?

A. WAPA.

Susan C. Nissman, RPR-RMR  
(340) 773-8161

ANDREW DAVID CANNING -- DIRECT

Q. Well, WAPA issues them.

who would get them for IPOS?

A. Who would prepare them? Is that the question.

Q. No, sir.

I understand that WAPA would issue the permit. But who -- if you have something like the Number 3 vent line, if you had to get permits from WAPA, who would be in charge of getting those permits on behalf of IPOS?

**MR. SIMPSON:** Objection.

A. IPOS didn't get permits to do work for the 3-inch line, that I recall.

Q. (Ms. Rohn) Then who did? Did anyone?

A. It would be Petro. They're the contractor working on that site.

Q. Okay. So what would be the procedure -- do you know the procedure, what they would do to get that permit?

A. I do.

Q. What is that?

A. The procedure is to describe the task that the contractor wants to undertake. He discusses that with the operations team. They then work on the requirements of the permit, which considers what work and hazards are in that particular area.

Once that permit is completed, the operator, if it involves hot work, would send out one of his operating

Susan C. Nissman, RPR-RMR  
(340) 773-8161

ANDREW DAVID CANNING -- DIRECT

75

76

ANDREW DAVID CANNING -- DIRECT

staff to do a gas test. Once that gas test is clear that there's no flammable gas in that particular area, he would come back, sign that detail onto the permit, and then the head of operations, the daily operations, and the client work representative would sign onto the permit they understand the conditions, and any limitations for doing that work.

Q. Who would be on the operations team?

A. WAPA personnel, if it was on the WAPA side.

Q. I'm sorry. I couldn't hear. I couldn't understand that answer.

A. Sorry. The operations team, if you're raising a permit on the WAPA side, will be WAPA's operating staff.

Q. And did WAPA have to give permits for the work done on the propane terminal side?

A. No.

Q. Okay. Was there a permitting process for the work done on the propane terminal side?

A. Yes.

Q. And who -- how were -- how were those permits issued?

A. The same as on the -- the WAPA side, except it was using IPOS permits, and IPOS staff doing the requisite checks.

Q. Okay. So this grating in the boiler on the WAPA

facility, on the WAPA side, what caused you to fall?

**MR. SIMPSON:** Objection.

A. Can I correct, in terms of it's a WAPA facility. Just happens to be located -- it's an area assigned to IPOS, and its IPOS jurisdiction over that particular area.

Q. (Ms. Rohn) Sir, would you answer my question, what caused you to fall?

A. The grating yielding on an access platform. Sorry.

Q. And what do you believe caused the grate to yield?

A. At the time, when I looked at it, it looked to be insufficient support around the access hatch that gave way.

Q. Well, how long after your fall did you look at it?

A. Immediately. I recovered myself from the top of the boiler, and made sure nothing was broken.

Q. Okay. And what did you observe that caused you to believe that there was insufficient support?

A. There was no support steelwork in or around the access hatch. It relied purely on angle iron on the periphery of the grating. And within that, what appeared to be insufficient support, as my weight transferred onto the access hatch, the grating deflected, allowing the angle iron to pass through the orifice that was in the grating.

Q. Did you form an opinion at the time that there was something wrong with the welding that was done on the grate?

Susan C. Nissman, RPR-RMR  
(340) 773-8161Susan C. Nissman, RPR-RMR  
(340) 773-8161

1 A. No. There was no structural steel around there to  
2 question.

3 Q. Did you later learn what actually caused the fall?

4 A. I haven't seen a report on it.

5 Q. I'm sorry, sir. Would you repeat yourself? I  
6 couldn't understand you.

7 A. I have not received any information on that.

8 Q. Sir, I didn't ask if you received a report. I  
9 asked if you later learned what actually caused you to fall?

10 A. I have not received any information on that.

11 Q. Sir, did you ultimately find out that the grating  
12 clips had not been put on the grate because they hadn't  
13 arrived yet, and they were -- therefore, it was not  
14 finished?

15 A. In a discussion with Chad Persuad, he told me that  
16 the grating clips had not been installed.

17 We offered excess grating clips that we'd  
18 actually purchased for work on the jetty, so he could  
19 undertake any activity he needs to complete with clipping of  
20 the grating.

21 Q. Well, did you think Chad was not telling you the  
22 truth, when he said what happened was, it was missing the  
23 grating clips?

24 MR. SIMPSON: Objection.

25 A. Not at all.

Susan C. Nissman, RPR-RMR  
(340) 773-8161

1 ANDREW DAVID CANNING -- DIRECT

2 Q. (Ms. Rohn) So, sir, did you ultimately learn what  
3 actually caused you to fall?

4 A. I did not.

5 Q. So you don't think that the failure to have  
6 grating clips had anything to do with your fall; is that  
right, sir?

7 A. It may have had something to do it, but I don't  
8 know if that was the actual final cause.

9 Q. When this -- did anybody witness your fall?

10 A. Yes.

11 Q. Who?

12 A. David Nagle.

13 Q. Did he fall?

14 A. No. He was at the access ladder.

15 Q. And when you fell, did you make any comments about  
16 Petro, and its crew, and their ability to do work?

17 A. Not that I recall.

18 Q. Did you have any conversation with their safety  
19 man?

20 A. I did.

21 Q. And what was the conversation you had with the  
22 safety man?

23 A. I asked if they inspected the platform as part of  
24 the handover procedure.

25 Q. Didn't you have a conversation with the safety

Susan C. Nissman, RPR-RMR  
(340) 773-8161

79  
ANDREW DAVID CANNING -- DIRECT

1 man, saying that the Petro crew was incompetent and had  
2 caused you to fall?

3 A. Not that I recall.

4 Q. Did you send any e-mails out in that regard?

5 A. No.

6 Q. Did you ever refer to, when speaking to Mr. -- or  
7 the safety man, the bullshit work that Petro does?

8 A. Not that I recall.

9 Q. You ever say, How could you guys consider yourself  
10 a welding company when your work is substandard?

11 A. Not that I recall.

12 Q. And did the safety man tell you, I don't need this  
13 shit?

14 A. I don't recall that, exactly.

15 Q. Well, what do you recall him telling you?

16 A. In our conversation, I asked him about how the  
17 inspection and sign-off process went. I was hurting at the  
18 time. I sustained bruising. So --

19 Q. Sir, answer my question. I asked you what you  
20 heard him say.

21 MR. SIMPSON: He was answering your question.

22 MS. ROHN: No. He was talking about where he  
23 was injured.

24 MR. SIMPSON: He's answering your question.  
25 Stop interrupting him.

Susan C. Nissman, RPR-RMR  
(340) 773-8161

80  
ANDREW DAVID CANNING -- DIRECT

1 MS. ROHN: I'll do what I want. Please  
2 answer, sir.

3 MR. SIMPSON: Then we'll go to the judge.

4 Q. (Ms. Rohn) This is a question, answer. I ask a  
5 question, you answer my question. It's not I ask a  
6 question, and you tell me what you think you want to say.

7 MR. SIMPSON: He was in the process of --

8 Q. (Ms. Rohn) Do we have that understanding, sir?

9 MR. SIMPSON: He was in the process of  
10 answering your question, and you interrupted him. If you  
11 had let him --

12 Q. (Ms. Rohn) Sir, you understand that you  
13 are supposed to answer my question?

14 MR. SIMPSON: Do not interrupt me. Do not  
15 interrupt me, either.

16 Let him finish, and you will hear the answer  
17 to your question.

18 MS. ROHN: Great. I thank you for your  
19 lecture.

20 Q. (Ms. Rohn) Sir, do you understand that this is a  
21 question-and-answer procedure?

22 A. Yes, I do.

23 Q. I ask a question, you answer the question I'm  
24 asking you.

25 A. Yes, ma'am. Could you ask the question again?

Susan C. Nissman, RPR-RMR  
(340) 773-8161

1 Q. what did you hear the safety man say to you in  
 2 response?

3 MR. SIMPSON: which is a different question  
 4 than what you asked.

5 A. what I recall is, he said, I don't need this  
 6 bullshit. I'm leaving.

7 Q. (Ms. Rohn) And what did you think precipitated  
 8 that statement?

9 A. I don't know.

10 Q. Sir, what were you doing when you were on the  
 11 platform?

12 A. I was inspecting the project-delivered access  
 13 gates and ladder, and also the project-delivered boiler feed  
 14 valves.

15 Q. Were you jumping on the grate?

16 A. Not that I recall.

17 Q. Sir, what is your welding experience?

18 A. We were trained as part of my apprenticeship to  
 19 undertake welding activities. And obviously -- not  
 20 obviously. And we've had welding done at other facilities  
 21 than this facility.

22 Q. At other facilities, and what? You broke up?

23 A. And this. And these facilities.

24 Q. Well, let me see.

25 Have you done any welding since -- you,

Susan C. Nissman, RPR-RMR  
 (340) 773-8161

1 personally, since you were an apprentice?

2 A. Yes, I have.

3 Q. Can you tell me what welding you've done?

4 A. Car repairs at home.

5 Q. Have you done any pipe welding since your  
 6 apprentice job? Apprenticeship?

7 A. No, ma'am. No, ma'am.

8 Q. Are you familiar with the ASME requirements for  
 9 welding?

10 A. For pressure systems?

11 Q. Yep.

12 A. B31.3?

13 Q. Yes.

14 A. Yes. Reasonably familiar.

15 Q. And what is it?

16 A. Sorry. Did you ask a question?

17 Q. Yes. I said, what is it?

18 A. It's a code. A practice.

19 Q. Well, what -- what are the requirements?

20 A. Depends on -- it's got requirements for welding.  
 21 For inspection. For welder certification. For -- for  
 22 materials used in the weld.

23 Q. So what is --

24 A. It's --

25 Q. What is the welding requirement for pressure pipe

Susan C. Nissman, RPR-RMR  
 (340) 773-8161

1 welding?

2 A. Depends on the classification of the pipe.

3 Q. How about for stainless steel?

4 A. Three one? Yes.

5 Q. Yes.

6 A. Depends on the service, whether it's normal  
 7 service, or whether it's severe service, or whether it's  
 8 carrying pure liquids. There are other categories there as  
 9 well.

10 Q. How about for propane oil and gas services?

11 MR. SIMPSON: Objection.

12 A. Again, classified whether it's N category or  
 13 whether it's S category, would be slightly different  
 14 requirements.

15 Q. Well, give me N first.

16 A. Normal services, yes. What would you like to know  
 17 about it?

18 Q. What are the -- what are the requirements?

19 A. The requirements are defined -- the requirements  
 20 are within B31.3. I don't recall everything within that  
 21 particular standard.

22 Q. What do you recall?

23 A. Anything necessary to look up in that standard.

24 Q. Do you recall a single requirement for that  
 25 welding standard?

Susan C. Nissman, RPR-RMR  
 (340) 773-8161

1 A. Yes.

2 Q. Okay. What do you recall?

3 A. In terms of certification or actual welding  
 4 process?

5 Q. Actual welding process, sir?

6 A. The welding process is as defined -- it forms  
 7 between the -- or sits between the IPOS, or VTTI  
 8 specification, and the requirements of B31.3. They align  
 9 pretty much the same. One comes from the other.

10 The weld procedure depends on the -- or the  
 11 welding requirements depend on the thickness of the  
 12 material. Normally -- not normally, always a requirement  
 13 for the welding procedure is a requirement before the weld  
 14 starts.

15 That weld then goes -- or that procedure is  
 16 then turned into a -- a test, a proof test, of that  
 17 particular procedure is adequate to deliver the final  
 18 results in terms of strength of the weld. And then the  
 19 welders that undertake that work, are tested and certified  
 20 to undertake that weld on that material.

21 Q. Have you ever witnessed any weld tests?

22 A. I don't recall.

23 Q. Have you ever given any weld tests?

24 A. Sorry. Could you repeat that?

25 Q. Have you ever given any weld tests?

Susan C. Nissman, RPR-RMR  
 (340) 773-8161

ANDREW DAVID CANNING -- DIRECT

1       A.    No.

2       Q.    what would be your expertise of determining

3       whether or not a weld has been properly done or not?

4       A.    whether there's any indication of nonconformance

5       with the requirements of the welding procedure.

6       Q.    Oh, I mean by looking at a weld, what is your

7       expertise of telling, when you look at a weld, whether or

8       not it's been properly done or not?

9       A.    I'm not a welding inspector. I don't have an

10      expertise on that.

11      Q.    Have you ever opined to anybody at IPOS that

12      particular welds were not properly done?

13      A.    Not that I recall.

14      Q.    Were you aware that there were projects that

15      Merlin had IPOS do for which he did not have you oversee

16      that work?

17            MR. SIMPSON: Object to the form.

18            MS. ROHN: Noted.

19      A.    I don't recall.

20      Q.    (Ms. Rohn) Now, were you in charge of requesting

21      welder certificates for the workers?

22            MR. SIMPSON: Object to the form.

23      A.    Could you repeat the question, please?

24      Q.    (Ms. Rohn) Yes.

25            was one of your duties, making sure that the

Susan C. Nissman, RPR-RMR  
(340) 773-8161

1       Petro welding -- welding workers were certified?

2       A.    No.

3       Q.    Who was in charge of that?

4       A.    Could you repeat the question?

5       Q.    Who was in charge of that?

6       A.    Sorry. The full question.

7       Q.    Who was in charge of making sure that Petro's

8       welding employees were certified?

9       A.    It would have been the contractor, Petro.

10      Q.    Well, who was in charge at IPOS to make sure that

11      that had occurred?

12      A.    The welders' certificate would have been passed to

13      IPOS. And I would be asked -- well, no. I'll step back on

14      that.

15            The welders' certification would be passed to

16      IPOS, and I would be asked to just take a look at the

17      certificates. See if there's any anomalies.

18      Q.    On every certificate, sir?

19      A.    I don't know for sure.

20      Q.    Well, how many can you recall looking at?

21      A.    I recall the certificates for the 3-inch line. I

22      also recall certification for the 1-inch fuel line to the

23      jetties.

24      Q.    And who asked you to review those certificates?

25      A.    It was part of my oversight on the job. In this

Susan C. Nissman, RPR-RMR  
(340) 773-8161

ANDREW DAVID CANNING -- DIRECT

87

88

ANDREW DAVID CANNING -- DIRECT

1       particular case, I recall they were probably sent to me by

2       either David Smith or Merlin.

3       Q.    And how do you recall that?

4       A.    I just recall it.

5       Q.    And what is your understanding of how welding

6       certificates are issued?

7       A.    It's defined in the welding procedures for -- or

8       from VTTI.

9       Q.    Okay. Do you have, as you sit here today, an

10      understanding of how that's supposed to be done?

11      A.    I have an outline of it, yes.

12      Q.    Okay. What is it?

13      A.    It's as I described earlier.

14      Q.    I'm sorry?

15      A.    Sorry. I'll define it again.

16            It's -- under that particular procedure,

17       there's a requirement for the contractor that's awarded the

18       work to produce a welding procedure. That welding procedure

19       is then proven. In other words, the weld is undertaken

20       against that procedure. And then once that procedure is

21       accepted, and the mechanical test indicates that the final

22       weld meets the mechanical requirements, then the welders are

23       certified against that particular procedure.

24      Q.    Do the welding certificates, the procedure to

25      certify the welders, have to occur on IPOS property?

Susan C. Nissman, RPR-RMR  
(340) 773-8161

1       A.    No.

2       Q.    And is there a requirement as to the

3       qualifications of the person who is certifying that the

4       welds are proper?

5       A.    There is.

6       Q.    And what is that requirement?

7       A.    It's done by a certified company that have all the

8       necessary quality procedures in place to ensure that the

9       weld is done and managed in the proper manner.

10           And then the weld -- certified welding

11      inspector, would undertake the necessary visual examination

12      and interpret the mechanical test results to say whether the

13      welder is competent or not.

14      Q.    So is it your testimony that a certified welding

15      inspector can only certify welds if they work for a company?

16      A.    Sorry. Could you rephrase that?

17      Q.    Is it your testimony that a certified welding

18      inspector can only give welding certificates if it -- if he

19      works for a company?

20      A.    No. He has to be a certified welding inspector,

21      and has to have the necessary equipment, either used or

22      available to him to do the necessary tests.

23      Q.    Okay. And then is it correct that the welding,

24      certified welding inspector, informs the company that the

25      person works for, that they have passed the welding tests,

Susan C. Nissman, RPR-RMR  
(340) 773-8161

ANDREW DAVID CANNING -- DIRECT

1 and the company then signs a certificate?  
 2 A. Yes. That outlines the process.  
 3 Q. Do you know somebody by the name of Guillermo  
 4 Castro?  
 5 A. NO.  
 6 Q. Okay. Have you ever heard that name before, sir?  
 7 A. I have.  
 8 Q. Okay. In what context did you hear that name?  
 9 A. In the context of Petro Industrial welders  
 10 certification.  
 11 Q. Do you know whether or not Guillermo Castro is a  
 12 certified welding inspector?  
 13 A. In discussion with Doug Rice, there's an  
 14 indication that he never reached the Level III requirement  
 15 that Doug Rice said was necessary, or signed over. So I  
 16 don't know, specifically.  
 17 Q. Okay.  
 18 A. That's the only information I know.  
 19 Q. And who is Doug Rice?  
 20 A. Doug Rice is the manager for Acuren Inspection.  
 21 Q. And did you personally speak to Doug Rice?  
 22 A. I did.  
 23 Q. And did you know him previously to speaking to  
 24 him? with him?  
 25 A. I was aware of him, 'cause he delivered services

Susan C. Nissman, RPR-RMR  
(340) 773-8161

1 to the facility when they were a inspection team or business  
 2 set up on the islands.  
 3 Q. And who suggested that you speak to Doug Rice?  
 4 A. I was looking for a contact to ask questions about  
 5 certification we had. That's the only number I could find.  
 6 Q. So you decided to call Doug Rice; is that right?  
 7 A. I did. I did, yes.  
 8 Q. And when you called Doug Rice, what did you tell  
 9 him you were contacting him for?  
 10 A. I said, we had certificates that showed anomalies  
 11 on there. I asked him if he could look up those particular  
 12 certificates in their system.  
 13 Q. Did you tell him what you thought the anomalies  
 14 were?  
 15 A. We talked about the test numbers. That's all I  
 16 can recall talking to him about.  
 17 Q. When did you have this conversation with Doug  
 18 Rice?  
 19 A. I recall it was sometime in July 2021.  
 20 Q. Okay. And did you have this contact with Doug  
 21 Rice before you got the statement of Guillermo Castro as to  
 22 how the certificates were issued, or after?  
 23 A. Sorry, ma'am. we didn't have a contract with him.  
 24 Q. Did you have contact with Doug Rice? I'm sorry,  
 25 it wasn't contract. It was contact.

Susan C. Nissman, RPR-RMR  
(340) 773-8161

91

ANDREW DAVID CANNING -- DIRECT

1 Did you have this contact with Doug Rice  
 2 before or after Guillermo Castro issued his statement as to  
 3 how he issued the certificates?  
 4 A. I believe it was before.  
 5 Q. And so the anomalies that you discussed were the  
 6 numbers on the test.  
 7 And what else?  
 8 A. Was this -- sorry. Are you asking the  
 9 conversation with Doug Rice?  
 10 Q. Yes, sir.  
 11 A. Okay. I had a number of discussions with Doug  
 12 Rice.  
 13 Q. No. I'm talking about the first discussion.  
 14 A. It was -- first discussion, he was driving. I  
 15 said, I wanted to check on certification. We never got into  
 16 the detail at that particular time, as he was driving.  
 17 Q. Okay. And how many conversations did you have  
 18 with Doug Rice?  
 19 A. I recall two.  
 20 Q. So does that include the one where he was driving?  
 21 A. That -- it did, yes.  
 22 Q. Okay. And when did you have the second  
 23 conversation with Doug Rice?  
 24 A. It was, if I recall correctly, two or three hours,  
 25 maybe, after. Maybe two hours, I don't recall exactly,

Susan C. Nissman, RPR-RMR  
(340) 773-8161

92

ANDREW DAVID CANNING -- DIRECT

1 after the initial call.  
 2 Q. So before you got the statement from Mr. Castro  
 3 about how the -- how the certificates were issued?  
 4 A. I never received a statement from Guillermo Castro  
 5 direct, no.  
 6 Q. No, sir. I didn't ask you if you received it  
 7 direct. I just asked you the statement. Doesn't have to be  
 8 sent to you directly.  
 9 Did you ever see --  
 10 A. Okay.  
 11 Q. -- the statement from Guillermo Castro, sir?  
 12 A. It was forwarded to me, yes.  
 13 Q. Okay. So, sir, was this second conversation  
 14 before or after that statement was received by someone at  
 15 IPOS?  
 16 A. Before.  
 17 Q. And what was the substance of the second  
 18 conversation you had with him?  
 19 A. Doug Rice wanted further details from the  
 20 certificate. So I gave him all the details that were  
 21 contained verbally in that certificate, so he could check.  
 22 If he could find it, and the contents of it.  
 23 Q. So what details did you give him? What types of  
 24 details?  
 25 A. I gave him the -- if I recall correctly, the

Susan C. Nissman, RPR-RMR  
(340) 773-8161

certificate number. The technician undertaking the assessment. And some other key details that he required to look the certificate up in their records.

Q. Okay. Did he do that while you were on the phone?

A. I can't recall, exactly.

Q. Well, when did you find out what he found out?

A. The same day.

Q. Okay. Was that the third conversation?

A. I don't recall. It may well have been.

Q. And what did he tell you?

A. He told me that he checked my records. That the records number didn't match anything they had on their records.

He also pointed out that Acuren had left the island, I believe, if I recall correctly, in 1999, and the test equipment referenced in those documents was removed from site at that time, so they wouldn't have been able to do the test.

And he also checked on the employment status of Mr. Castro, and said he hadn't -- he had no records of him working in the last six months. Those, I think, were the main details.

Q. Did he know Mr. Castro?

A. No.

Q. So how did he determine what credentials

Susan C. Nissman, RPR-RMR  
(340) 773-8161

1 Mr. Castro had?

2 **MR. SIMPSON:** Objection.

3 Q. (Ms. Rohn) If you know.

4 A. It was written on the certificate.

5 Q. Were you aware that Mr. Castro had certified all  
6 the welders at HOVENSA?

7 A. No.

8 Q. Were you aware that Mr. Castro had certified all  
9 the welders at Diageo?

10 **MR. SIMPSON:** Objection.

11 A. No.

12 Q. (Ms. Rohn) Did you do anything to investigate  
13 whether or not Mr. Castro (sic) had tried to contact  
14 Mr. Castro?

15 A. Sorry. Could you repeat that?

16 Q. Did you do anything to try to contact Mr. Castro?

17 A. Did I ever have contact?

18 Q. Yes. Did you try to contact him?

19 A. No.

20 Q. Did -- were you aware that Mr. Castro offered to  
21 have a conversation with you, IPOS, in general, about the  
22 certificates and how they were issued and his  
23 qualifications?

24 **MR. SIMPSON:** Objection.

25 A. I recall an e-mail that was forwarded to me at

Susan C. Nissman, RPR-RMR  
(340) 773-8161

ANDREW DAVID CANNING -- DIRECT

1 some stage where that was mentioned, I believe.

Q. (Ms. Rohn) Did you ever take him up on that offer?

A. No.

Q. To your knowledge, did anyone from IPOS ever take him up on that offer?

A. I have no knowledge of that.

Q. Do you have any knowledge of anyone at IPOS taking him up on that offer?

A. No.

Q. Do you know why no one took him up on that offer?

A. No.

Q. Were you ever made aware of the fact that he offered to come and recertify every one of those welders at IPOS?

A. I recall there was something in the communications that were forwarded to me at some stage.

Q. Did you take him up on that offer?

**MR. SIMPSON:** Objection.

A. No.

Q. (Ms. Rohn) Do you know -- to your knowledge, did anyone at IPOS take him up on that offer?

A. Not that I know of.

Q. Do you know why people didn't -- the people at IPOS didn't take him up on that offer?

A. I have no knowledge.

Susan C. Nissman, RPR-RMR  
(340) 773-8161

96  
ANDREW DAVID CANNING -- DIRECT

1 Q. Nobody ever discussed with you in e-mails about  
2 why they didn't want to do that?

3 A. Not that I recall.

4 Q. Did you ever advocate that -- that the  
5 certificates were forged?

6 **MR. SIMPSON:** Object to the form.

7 A. I said, I recall that I raised the fact there were  
8 anomalies or apparent anomalies in the certification.

9 Q. (Ms. Rohn) Did you ever use the word "forged"?

10 A. Not that I recall.

11 Q. Did you advocate that Petro -- Petro's contract be  
12 terminated?

13 A. Sorry. Could you repeat that?

14 Q. Did you advocate that Petro's contract should be  
15 terminated?

16 A. Could you define what "advocate" means?

17 Q. Think it's a good idea. Tell people they ought to  
18 do it. Suggest that they ought to do it.

19 **MR. SIMPSON:** Objection.

20 A. I don't recall that, no.

21 Q. (Ms. Rohn) To your knowledge, was Petro's contract  
22 terminated?

23 A. I did receive information in an e-mail that the  
24 contract had been terminated.

25 Q. Do you know who made the decision to terminate his

Susan C. Nissman, RPR-RMR  
(340) 773-8161

1 contract? Its contract?  
 2 A. I believe it was IPOS.  
 3 Q. Do you know who, at IPOS, made that decision?  
 4 A. I don't for sure.  
 5 Q. Do you know what part David Smith had in that  
 6 decision?  
 7 A. I have no knowledge of that.  
 8 Q. Do you know what part Garry Stoker had in that  
 9 decision?  
 10 A. I have no knowledge of that.  
 11 Q. At some point, was Optis's contract terminated?  
 12 MR. SIMPSON: Object to the form.  
 13 A. Terminated. Sorry. Could you be more specific?  
 14 Q. (Ms. Rohn) Yes.  
 15 At some point, did you stop working at the  
 16 terminals?  
 17 A. Yes.  
 18 Q. Okay. And when did you stop working at the  
 19 terminals?  
 20 A. October/November 2022.  
 21 Q. Why did you stop working at the terminals?  
 22 A. 'Cause the WIC contract was ended.  
 23 Q. How long had you -- well, had there been more than  
 24 one contract between Optis and IPOS or WIC?  
 25 MR. SIMPSON: Object to the form.

Susan C. Nissman, RPR-RMR  
 (340) 773-8161

1 A. Sorry. Could you repeat the question?  
 2 Q. (Ms. Rohn) Had there been more than one contract  
 3 between Optis and WIC?  
 4 A. No.  
 5 Q. Okay. And what was the term -- did the original  
 6 contract have a term, or was it an open-ended contract?  
 7 A. The initial contract was for one year.  
 8 Q. And had it already expired by the time the July  
 9 event in 2021 had occurred?  
 10 A. July 2021? No.  
 11 Q. Okay. When did it expire?  
 12 A. It would have expired -- the first term would have  
 13 expired in December 2021.  
 14 Q. And was there a new contract put in place?  
 15 A. No. It was extended.  
 16 Q. So why was the extension discontinued in October  
 17 of 2022?  
 18 A. I have no knowledge.  
 19 Q. How did you learn that the extension was no longer  
 20 going to be extended?  
 21 A. A letter of notification was sent out to the  
 22 managing director of Optis. And prior to that, I'd received  
 23 a telephone call from Sebastian Moretti.  
 24 Q. And what did Mr. Moretti tell you?  
 25 A. He said, the contract was going to be ended.

Susan C. Nissman, RPR-RMR  
 (340) 773-8161

1 Q. Did he tell you why?  
 2 A. Not that I recall.  
 3 Q. Did you ever learn why?  
 4 A. Under the contract, there needn't be a reason.  
 5 So, no, I never learned the reason why they made that  
 6 decision.  
 7 Q. Where did you go to work after that?  
 8 A. I've done consultancy activities to support WAPA.  
 9 Q. To support WAPA?  
 10 A. Yes.  
 11 Q. And when did that begin?  
 12 A. I did activities -- I'll have to find the dates.  
 13 January this year.  
 14 Q. And what consulting did you do for WAPA?  
 15 A. Wartsila Phase II.  
 16 Q. I'm sorry. I couldn't hear that.  
 17 A. Wartsila Phase II. LPG supply to the new direct  
 18 injection power generation units.  
 19 Q. And how long did you do that consulting work?  
 20 A. Initially, it was one month, waiting on a contract  
 21 revision.  
 22 Q. I have no clue what that means.  
 23 How long did you do that work, beginning in  
 24 January 2023?  
 25 A. One month in terms of consultancy activities,

Susan C. Nissman, RPR-RMR  
 (340) 773-8161

1 waiting on a contract.  
 2 Q. Okay. Have you done any other work -- what  
 3 contract are you referencing?  
 4 A. A contract I'm waiting on from WAPA. A revised  
 5 contract.  
 6 Q. How long have you been waiting for that contract?  
 7 A. Since January, I guess. Yes, since January. I  
 8 don't guess.  
 9 Q. Have you done any work for anybody else since  
 10 then?  
 11 A. Only supporting individuals at the company.  
 12 Q. What does that mean?  
 13 A. Means that if there are any engineers that require  
 14 assistance in delivering their activities, then I provide  
 15 that assistance to them within the company.  
 16 Q. Sir, because you're not a licensed engineer in the  
 17 United States, are you allowed to sign off on engineering  
 18 specifications?  
 19 MR. SIMPSON: Objection. Asked and answered.  
 20 A. Could you repeat the question, please?  
 21 Q. (Ms. Rohn) Sir, because you're not a certified  
 22 engineer in the United States, are you allowed to sign off  
 23 on engineering specifications?  
 24 oh, we went through this whole thing. You're  
 25 right. I did ask that.

Susan C. Nissman, RPR-RMR  
 (340) 773-8161

1                   **MR. KAPLAN:** Can we take a five-minute break  
 2 or so? I need to use the restroom.

3                   **MS. ROHN:** So it is -- hold on. It's  
 4 12 o'clock. I'm about to go into a new area, so I suggest  
 5 we take our lunch. I'm going to have a lot to do still with  
 6 Mr. Canning, so half an hour for lunch, and then we'll  
 7 reconvene.

8                   Is that good for everybody?

9                   **MR. SIMPSON:** I don't know how quickly we can  
 10 get lunch in 30 minutes, but we'll shoot for it. Might be  
 11 closer to 45.

12                  **MS. ROHN:** All right. Anybody else  
 13 complaining? All right.

14                  **MR. KAPLAN:** So we're saying 12:00 -- 12:45,  
 15 is that what you just said? I couldn't hear.

16                  **MS. ROHN:** No, I said 12:30. Well, 12:40.  
 17 We'll compromise.

18                  **MR. KAPLAN:** Okay. Thank you.

19                  **MR. SIMPSON:** Sounds good.

20                  (Lunch recess taken.)

21                  **Q. (Ms. Rohn)** Mr. Canning, I hope you had a nice  
 22 lunch.

23                  **A.** It was okay. Thank you.

24                  **Q.** Um-hum. Mr. Canning, where do you presently live?

25                  **A.** In the UK.

Susan C. Nissman, RPR-RMR  
 (340) 773-8161

1                   **Q.** And how much time do you spend in the Virgin  
 2 Islands now?

3                   **A.** A lot less than I used to.

4                   **Q.** That doesn't tell me anything.

5                   **A.** Sorry. Yeah. Probably spent a month in the  
 6 last -- where are we? What month are we? In the last five  
 7 or six months, yeah.

8                   **Q.** Did you -- when you were here, did you -- did you  
 9 have -- did you own property? Did you -- had you moved  
 10 partially here?

11                  **A.** I rented property. And I don't know, when you say  
 12 "moved partially here," I spent a reasonable time here.

13                  **Q.** How much time, because of your immigration status,  
 14 can you not be here?

15                  **A.** I can be here any time up to 90 days, and then  
 16 normally I take two to three weeks out.

17                  **Q.** I'm going to start using some exhibits. Karima,  
 18 I'm about to need your sharing help.

19                  (Respite.)

20                  Can you show -- Karima, can you show  
 21 Exhibit 1, please?

22                  (Deposition Exhibit No. 1 was  
 23 marked for identification.)

24                  Karima, it's not showing.

25                  (Respite.)

Susan C. Nissman, RPR-RMR  
 (340) 773-8161

103  
 ANDREW DAVID CANNING -- DIRECT

1                  Can you see that, Mr. Canning?

2                  **A.** I can, yes.

3                  **Q.** And there is a e-mail on the screen from yourself  
 4 to Tim -- I call him Tim K., because I have a hard time with  
 5 his last name.

6                  **A.** Yes. There's an e-mail showing now to Tim, I  
 7 think.

8                  **Q.** Correct.

9                  **A.** Okay. I'm sorry. I thought you said the other  
 10 way around, yeah.

11                  **Q.** And this is on the truck rack design  
 12 inconsistencies, correct?

13                  **A.** That's what the first paragraph says, yes.

14                  **Q.** Well, it's the subject, truck rack design  
 15 inconsistencies, correct?

16                  **A.** Oh, yes. Yep.

17                  **Q.** How often would you send e-mails similar to this  
 18 to Tim K.?

19                  **MR. SIMPSON:** Objection.

20                  **Q. (Ms. Rohn)** Similar in the sense of noting problems  
 21 with something that's going on at the terminals? The  
 22 propane terminals.

23                  **A.** In this particular case, it relates to the truck  
 24 rack, which was a Vitol/WIC installation. It was separate  
 25 to the IPOS operation. And this, generally speaking, when

Susan C. Nissman, RPR-RMR  
 (340) 773-8161

104  
 ANDREW DAVID CANNING -- DIRECT

1                  Petro Industrial identified problems with the information  
 2 sent from Polaris, so it would vary on whatever they're  
 3 working on at any particular time.

4                  **Q.** And why would this be sent to -- I now get that  
 5 this is a WIC project, but why would, on a WIC project,  
 6 would you send this to Tim K.?

7                  **A.** Tim is the interface between Polaris and WIC in  
 8 terms of the design. It was -- the design was produced by  
 9 Polaris, but as I say, it was actually a WIC/Vitol  
 10 installation, so he was the point of contact.

11                  **Q.** He was the point of contact for whom?

12                  **A.** Between Polaris/Vitol/WIC, and installation,  
 13 so -- going on.

14                  So Petro, in this particular case, approached  
 15 me to clarify drawings. What year is it? Yeah, that was  
 16 before I was a WIC contractor.

17                  **Q.** Sir, point of contact for whom?

18                  **A.** For -- between the project installing it, and the  
 19 technical authority design of Polaris.

20                  **Q.** Sir, my question is, you said he's a point of  
 21 contact.

22                  Is he a point of contact for WIC? Is he a  
 23 point of contact for Polaris? Who is he the point of  
 24 contact to?

25                  **MR. KAPLAN:** Objection. Asked and answered.

Susan C. Nissman, RPR-RMR  
 (340) 773-8161

ANDREW DAVID CANNING -- DIRECT

1 Q. (Ms. Rohn) Answer my question, please.  
 2 A. Sorry. Yes. He was the VVIC representative.  
 3 Polaris was the designer. Any questions that came from the  
 4 project were routed through Tim to keep a single point of  
 5 contact for any information required.

6 Q. Thank you.

7 Exhibit 4.

8 (Deposition Exhibit No. 4 was  
 9 marked for identification.)

10 This is an e-mail, October 3rd, 2019, from  
 11 yourself to David Smith, Rawle Granger, and copied to  
 12 yourself.

13 Why did you have a VTTI.com e-mail address?

14 A. Everyone working at the facility had a VTTI.com --  
 15 sorry, involved with IPOS, directly, had a VTTI.com e-mail.

16 Q. So why did you send -- originally send it from  
 17 your Optis address?

18 A. The -- this would have come -- let me have a look.  
 19 This was while I was on St. Thomas. The internet connection  
 20 there wasn't good, so I had to resort to using the internal  
 21 e-mail to get a lot of communications in and out.

22 Q. Okay. This e-mail says, "Gentlemen, Although  
 23 PIC" --

24 A. PIS, yeah.

25 Q. "Although PIC (sic) have received notification

Susan C. Nissman, RPR-RMR  
 (340) 773-8161

ANDREW DAVID CANNING -- DIRECT

106  
 1 this morning from Eric Douglas that the permits for the  
 2 trunk loading rack installation are ready for collection, I  
 3 have compiled the permit disclaimer which I suggest we  
 4 include as an attachment or copied onto the reverse of IPOS  
 5 safe work permit and have this disclaimer referenced on the  
 6 front of the permit under the section 'special operational  
 7 attention for.'"

8 Who's Eric Douglas?

9 A. If I recall correctly, Eric Douglas was a Virgin  
 10 Islands specialist in environmental requirements for the  
 11 government.

12 Q. Who did he work for?

13 A. He was an independent contractor, but he was  
 14 engaged by IPOS, I believe.

15 Q. And why would you be involved in what's stated on  
 16 permits?

17 A. I was part of the operations team.

18 In this particular case, if I recall  
 19 correctly, this was -- is it possible to scroll down? Is  
 20 there an earlier?

21 Q. That's it. That's it.

22 A. That's it. Yeah, my recollection of this was,  
 23 from my past perspective, we still had work to do to get the  
 24 safety approvals for the truck rack.

25 This was related to some work activities that

Susan C. Nissman, RPR-RMR  
 (340) 773-8161

ANDREW DAVID CANNING -- DIRECT

107

1 WVIC were asking us to progress. And it was a best  
 2 endeavors requirement to get the work done, so that's why we  
 3 thought it prudent to have a disclaimer. Yeah.

4 MR. SIMPSON: Counsel, I'm going to adjust  
 5 the screen. Before you go, I'm just going to adjust the  
 6 screen, because the zoom interface is covering up a part of  
 7 the exhibit.

8 MS. ROHN: Not on my screen.

9 MR. SIMPSON: No. It's here. That's why I  
 10 adjusted it, so now he can see the whole document.

11 Q. (Ms. Rohn) Okay. Next sentence says --

12 A. Sorry. Yes, I can see it now. Okay.

13 Q. Says, "As discussed, the permit Holder should be  
 14 jointly identified as Vitol & PIS."

15 Why did you put that?

16 A. Sorry. Where? I don't see that at the moment.

17 Q. It's the last sentence on the first paragraph.

18 A. "The permit Holder should be jointly identified as  
 19 Vitol & PIS."

20 If I recall correctly, there was -- PIS were  
 21 engaged directly with Vitol, and so the permit would be  
 22 identified as Vitol and PIS. It was -- sorry.

23 Q. Go ahead.

24 A. No, although it would have been issued by IPOS as  
 25 the area of authority.

Susan C. Nissman, RPR-RMR  
 (340) 773-8161

ANDREW DAVID CANNING -- DIRECT

108

1 Yeah, it was -- it was -- I can't remember  
 2 the exact reason, but there was a reason for Vitol and PIS  
 3 to be identified on the permit.

4 Q. And which Vitol are you referencing?

5 A. In terms of the ownership of the truck rack. I'm  
 6 unclear of who the owner -- owners were who purchased it. I  
 7 believe it was Vitol, but it may well have been installed  
 8 with the intention of it becoming an asset for VVIC.

9 Q. Okay. So which Vitol are you referencing? When  
 10 you say, it might have been Vitol, are you Vitol, Inc., or  
 11 which Vitol are you referencing?

12 A. I'm unaware of the various divisions in Vitol. I  
 13 only knew them as Vitol or VVIC.

14 Q. Exhibit 8.

15 (Deposition Exhibit No. 8 was  
 16 marked for identification.)

17 This is an e-mail chain that starts -- this  
 18 is an e-mail chain that starts with Canning 131.

19 Canning 131. There it goes. It starts with,  
 20 "Good Day, Shirley. As requested January and February log  
 21 of 2018."

22 And then there's a response from Cyla  
 23 Gooding. "This is not what I need. I wanted the actual  
 24 logs the guards used to sign people in on. I'm needing to  
 25 see employees for Vivot being signed in on the logs."

Susan C. Nissman, RPR-RMR  
 (340) 773-8161

ANDREW DAVID CANNING -- DIRECT

1 So let me ask you this first. This is from  
 2 2019.

3 How were employees signed in to the job in  
 4 2019 on St. Croix?

5 **MR. SIMPSON:** Objection.

6 **Q. (Ms. Rohn)** You may answer.

7 A. In this particular case, this relates to Vivot  
 8 corporation in 2019, so post hurricane. It would have been  
 9 daily timesheets completed by the appropriate Vivot  
 10 supervisor, signed, and then forwarded for review and  
 11 verification.

12 Q. So why would somebody be asking for the guard logs  
 13 signing people in?

14 **MR. SIMPSON:** Objection.

15 A. In this particular case, it's unclear who was  
 16 actually -- kind of looks like it's Cyla Gooding that I read  
 17 on this.

18 There are invoice disputes that went back  
 19 around the hurricane period, when Vivot Corporation were  
 20 assisting with the recovery projects. There were disputes  
 21 on the entries that were on those logs. I'm sorry. On  
 22 those timesheets for the particular period.

23 **Q. (Ms. Rohn)** Why question -- the question is, why  
 24 would it be asking the guards signing in people?

25 **MR. SIMPSON:** Objection.

Susan C. Nissman, RPR-RMR  
 (340) 773-8161

ANDREW DAVID CANNING -- DIRECT

111

1 you, Andy.  
 2 **Q. (Ms. Rohn)** Sir, can you explain -- isn't it true,  
 3 sir, that in St. Croix, the security guards would sign in  
 4 what time people came to work?

5 **MR. SIMPSON:** Object to the form.

6 A. That's incorrect.

7 **Q. (Ms. Rohn)** Okay. So are you telling me that in  
 8 St. Croix, during the time that you worked there, no  
 9 security guard signed in on a log when workers came to work?

10 **MR. SIMPSON:** Objection.

11 **Q. (Ms. Rohn)** Is that what you're saying, sir?

12 **A.** Sorry. Could you repeat the question?

13 **Q.** Are you telling me that during the time that you  
 14 worked for IPOS, that no guards on St. Croix signed workers  
 15 in on a -- on a log at the gate?

16 **MR. SIMPSON:** Objection.

17 **Q. (Ms. Rohn)** Is that what you're saying, sir?

18 **A.** Sorry. Could you just repeat that again? I'm  
 19 just trying to get my head around the --

20 **Q.** Is it your testimony that during the time that you  
 21 worked at IPOS, that on no occasion, did guards sign on a --  
 22 on a gate log when employees of contractors came to work?

23 **MS. FRANCIS:** Objection to form. Misstates  
 24 the record.

25 **Q. (Ms. Rohn)** Please answer my question.

Susan C. Nissman, RPR-RMR  
 (340) 773-8161

ANDREW DAVID CANNING -- DIRECT

110

1 A. The -- my recollection of this is these timesheets  
 2 went back to post-hurricane 2017, typically through 2018.  
 3 There was -- they claimed to be doing jobs at Carambola  
 4 putting roofs on. At WAPA putting switch gears rooms up.  
 5 We --

6 **Q. (Ms. Rohn)** Sir, could you answer my question?

7 A. I'm just -- if you bear with me just for a second.

8 **Q.** Sir, I thought we had a discussion?

9 **MR. SIMPSON:** Yeah, we did.

10 **MS. ROHN:** I ask a question, you answer that  
 11 question.

12 **MR. SIMPSON:** Right. And we don't tell you  
 13 how to ask the question, and you don't tell us how to answer  
 14 the question.

15 **MS. ROHN:** Oh, you tell me all the time how  
 16 to ask a question.

17 **MR. SIMPSON:** Stop interrupting him.

18 **Q. (Ms. Rohn)** Sir, I don't care -- I don't care to  
 19 hear all the work you were doing after the hurricane.  
 20 That's not my question.

21 **MR. SIMPSON:** And that wasn't his answer.

22 **Q. (Ms. Rohn)** Why were the guards signing in workers?

23 **MR. SIMPSON:** He was answering your question.  
 24 Do you want him to answer it or not?

25 **MS. ROHN:** I'm not having a dialogue with

Susan C. Nissman, RPR-RMR  
 (340) 773-8161

ANDREW DAVID CANNING -- DIRECT

112

1 A. It varied. Generally speaking, IPOS people were  
 2 signed in by the --

3 **Q. (Ms. Rohn)** I said contractors.

4 A. Contractors signed themselves in, generally.

5 Q. And they signed themselves in.

6 Where do you claim they signed themselves in,  
 7 generally?

8 **MR. SIMPSON:** Objection.

9 A. At the gate, and on the sign-in log.

10 **Q. (Ms. Rohn)** What was the purpose for having them  
 11 sign themselves in at the gate?

12 **MR. SIMPSON:** Objection.

13 A. In case there was an emergency. Obviously, when  
 14 we -- obviously, but when we evacuate the facility, we need  
 15 to understand if everyone's accounted for.

16 **Q. (Ms. Rohn)** Why would they need to know the time?

17 A. So we knew if they were on site when the alarm  
 18 went off.

19 Q. Well, wouldn't they give the time when they left?

20 A. My understanding, reading the logs, and when I  
 21 looked at when I was signing in, they would sign people out.  
 22 There's only two entries. In and out. When they actually  
 23 left the site at the end of the day.

24 Q. All right. And so there is -- if you go to Bates  
 25 stamp 130, there's -- at the bottom of the page, there's an

Susan C. Nissman, RPR-RMR  
 (340) 773-8161

ANDREW DAVID CANNING -- DIRECT

1 e-mail from Cylla Gooding in June 2019 to David Smith, and  
 2 copies to you.

3 "This was the e-mail sent yesterday from  
 4 Vivot. They want to set up a conference call with you and  
 5 Andrew before the week is done."

6 And you write an e-mail to David Smith.  
 7 "Shirley used to work for VTTI as the office manager under  
 8 Paul Elkes and has now been recruited by Vivot."

9 A. Sorry. I can't see that.

10 Q. Karima, please scroll up.

11 I forgot to give you the cue. Sorry, Karima.

12 "Shirley used to work for VTTI as the office  
 13 manager under Paul Elkes and now been recruited by Vivot.  
 14 we have had" -- there's a hole punch in mine. okay.

15 "Some brief communications since she started  
 16 about the invoices that were passed over by Carlotta."

17 And it goes on to say, "The last  
 18 communication was by text last Friday when I reiterated,  
 19 excuse me, that all we needed was the timesheets to support  
 20 the invoices. Unfortunately, it seems that they do not seem  
 21 to have them and they have suggested -- suggested in the  
 22 past payroll records or gate logs."

23 So Vivot had, indeed, been using gate logs,  
 24 correct?

25 MR. SIMPSON: Objection.

Susan C. Nissman, RPR-RMR  
 (340) 773-8161

ANDREW DAVID CANNING -- DIRECT

1 A. Can I ask what the question is about? Whether  
 2 it's about invoicing or whether they were using gate logs.

3 Q. (Ms. Rohn) Gate logs to determine the times their  
 4 men worked?

5 A. That's not how it reads, ma'am.

6 Q. Okay. Goes on to say, "As I pointed all the  
 7 invoices for the period submitted to IPOS covered work being  
 8 undertaken at WAPA, Diageo, Carambola, and the port as well  
 9 as IPOS recovery works (all on one set of timesheets) and  
 10 that once returned Vivot marked up with IPOS the tasks then  
 11 Vivot had reduced their claims by around 30 to 60% after  
 12 correction. I don't see why payroll records would provide  
 13 any better indication of work actually undertaken at IPOS,  
 14 or gate logs for example as all the Vivot personnel working  
 15 at WAPA were signing in as the IPOS gate before going into  
 16 WAPA."

17 Do you see that?

18 A. I do.

19 Q. So the workers were indeed signing in at the IPOS  
 20 gate, correct?

21 A. That's correct.

22 Q. All right. And that David asked, "Thanks, Andrew.  
 23 I responded before I got to this."

24 A. Sorry. I'm not seeing --

25 Q. Please scroll up. It's my fault. I'm supposed to

Susan C. Nissman, RPR-RMR  
 (340) 773-8161

ANDREW DAVID CANNING -- DIRECT

115

1 say, scroll up, and I didn't.

2 It says, "Thanks, Andrew. I had responded  
 3 before I got to this. Didn't they send the timesheets  
 4 originally? Is that why they don't want to send them  
 5 anymore?"

6 Did they sign the timesheets originally?

7 A. I don't recall the detail on this.

8 Q. If you go to 129. We're going to find out,  
 9 because you answer.

10 129, at the bottom. "They sent invoices with  
 11 a payroll summary without a full set of supporting  
 12 timesheets for the ones processed and in dispute, and wanted  
 13 to substitute payroll information for personnel as evidence  
 14 of work on IPOS projects. As I said, numerous timesheets  
 15 contain man hours for work clearly identified on the  
 16 timesheet as being at other sites (hence the 30 to 60%  
 17 reduction they applied by correcting the figure before  
 18 resubmission) but still fully billed to IPOS so my argument  
 19 is" --

20 A. Sorry. I can't see that.

21 Q. Sorry. Next page, please. Go back to 130.

22 "So my argument is how would payroll records  
 23 have been an accurate indication of those weeks and why  
 24 would they be anymore representative of the weeks in  
 25 dispute?"

Susan C. Nissman, RPR-RMR  
 (340) 773-8161

ANDREW DAVID CANNING -- DIRECT

116

1 What really riles me is that Shirley  
 2 contacted me and agreed to look at the disputed invoices on  
 3 the understanding she would pull all the information  
 4 together and contact me -- instead we get the e-mail sent by  
 5 Cylla."

6 So did Vivot ultimately lose the ability to  
 7 bill for the certain employees because they relied on  
 8 gate -- gate sheet sign-ins?

9 A. Would you like me to answer this as read, or as  
 10 relayed by yourself?

11 Q. No. I'm asking you a question.

12 Did they ultimately lose the ability to get  
 13 paid for certain of their employees?

14 A. Not that I recall.

15 Q. Okay. This e-mail goes on to say from David to  
 16 you. Go to the first, Page 129. Go up. Too up. Go down.  
 17 Go down. Right there.

18 "Thanks, Andrew. Yes, I just sent several  
 19 examples. They have timesheets. They have always been  
 20 tough to nail down. But I think best thing is for us to  
 21 continue to state the obvious. We don't pay anyone without  
 22 timesheets."

23 And then you respond back, "Perhaps I am just  
 24 being mean .... Again."

25 What were you referencing, sir?

Susan C. Nissman, RPR-RMR  
 (340) 773-8161

ANDREW DAVID CANNING -- DIRECT

1       A. I was referencing a comment that David Smith and I  
 2 had shared, when I told David Smith that we really can't  
 3 justify paying Vivot for work that they did at Carambola to  
 4 replace the roofs. And he said at that time, I think you're  
 5 being mean.

6       Q. All right. So you say, "Perhaps I'm just being  
 7 mean .... Again." And then David says, "No, I don't want to  
 8 pay if we don't have proof." And then you say, "I just like  
 9 being mean I think .... (NIS, VIVOT, PIS, CSI...)"

10       What did you mean by that, sir?

11       A. Following the comment I just made. It was a  
 12 comment that David Smith made about not -- we discussed  
 13 about the roofs at Carambola, and I said, we, you know, can  
 14 we really justify paying for the roofs at Carambola?

15       Q. So, sir, why did you say, "I just like being  
 16 mean"?

17       A. It was just following up on the comment.

18       Q. And why did you -- why did you list NIS, Vivot,  
 19 PIS, and CSI?

20       A. I can't remember the context of that.

21       Q. Isn't that all the contractors that you were mean  
 22 to?

23       A. I don't recognize CSI. And I do remember being  
 24 mean to the contractors in -- working on roofs at Carambola.

25       Q. Okay. Exhibit 28.

Susan C. Nissman, RPR-RMR  
 (340) 773-8161

ANDREW DAVID CANNING -- DIRECT

(Deposition Exhibit No. 28 was

2 marked for identification.)  
 3 All right. This is your Interrogatory  
 4 Number 5.

5       And it asks, "Please describe in detail your  
 6 involvement, influence, approval, authorization,  
 7 supervision, management, direction, control, instruction,  
 8 and/or decision making with respect to any work performed by  
 9 Plaintiff at the WAPA Propane Facilities in St. Thomas and  
 10 St. Croix at any time from 2018 to 2021, identify the entity  
 11 which granted you this authority, and provide all applicable  
 12 dates."

13       So I'm really questioning the last paragraph.  
 14 You stated under oath. Scroll up.

15       I had no approval, authorization,  
 16 supervision, management, direction, control, instruction  
 17 and/or decision making with respect to work performed by  
 18 PIS."

19       That's your statement under oath, is it not,  
 20 sir?

21       A. That's correct.

22       Q. But, sir, in e-mails that we're going to look at,  
 23 and e-mails that you sent, you made suggestions, did you  
 24 not, as to what you thought people would -- should be doing,  
 25 and you were in charge of overseeing the project for safety,

Susan C. Nissman, RPR-RMR  
 (340) 773-8161

ANDREW DAVID CANNING -- DIRECT

119

1 for financials, in all those regards, were you not, sir?

2       MR. SIMPSON: Objection.

3       Q. (Ms. Rohn) You may answer.

4       A. No, that's not true. No, that's not true.

5       Q. What's incorrect about that?

6       A. The statement you just made.

7       Q. What's incorrect about the statement?

8       A. If you'd like to --

9       Q. What -- what was your purpose of being there as a  
 10 consultant?

11       A. The eyes and ears of the client, and advising.

12       Q. Okay. And the eyes and ears of the client for  
 13 what?

14       A. The operation, IPOS.

15       Q. Did that include safety?

16       A. I can comment on safety, yes.

17       Q. Would that include expenditures?

18       A. I was asked to verify the correlation between  
 19 timesheets, if that's what you mean by expenditures.

20       Q. Does that include whether or not the work was  
 21 being done correctly?

22       A. I can make observations against the procedures and  
 23 the codes that are applicable.

24       Q. Okay. Exhibit Number 30.

25       (Deposition Exhibit No. 30 was

Susan C. Nissman, RPR-RMR  
 (340) 773-8161

ANDREW DAVID CANNING -- DIRECT

120

1 marked for identification.)

2       Okay. This is Interrogatory Number 7.

3       "Please describe in detail all communications between you or  
 4 anyone on your behalf and any Co-defendants in this matter  
 5 concerning in any manner the estimate and/or bid submitted  
 6 by Plaintiff for the project for the one-inch vent line for  
 7 which a request for bids was published in or about  
 8 June 2020, including but not limited to, any communications  
 9 wherein you claimed that Plaintiff had stolen information  
 10 from Traeger Brothers, and identify all persons involved in  
 11 each communication."

12       And you say under B, "I did not claim" --

13       A. Sorry. Please scroll down.

14       Q. You say in B, "I did not claim, and am not aware  
 15 of any communication with codefendant in which I claimed,  
 16 that PIS had stolen information from Traeger Brothers."

17       You said that under oath, correct?

18       A. Correct.

19       Q. Okay. Sir, do you not require -- remember a  
 20 meeting that you had with Merlin Figueira?

21       MR. MELENDEZ: Figueira.

22       Q. (Ms. Rohn) Figueira. Figueira about the --  
 23 whether or not inappropriate information from Traeger  
 24 Brothers had been used?

25       MR. SIMPSON: Objection.

Susan C. Nissman, RPR-RMR  
 (340) 773-8161

ANDREW DAVID CANNING -- DIRECT

A. I don't recall that meeting.

Q. (Ms. Rohn) Sir, you don't recall Mr. Melendez being in that meeting with you and Mr. Merlin Figueira?

A. I don't recall that meeting.

Q. Exhibit 32. Oh, 31.

(Deposition Exhibit No. 31 was marked for identification.)

Keep going. Keep going. There we go. This is Interrogatory Number 10.

"Please identify by date and describe in detail all complaints, criticisms, and negative or unfavorable remarks you made about Plaintiff, including, but not limited to, remarks that Plaintiff did shabby work, caused incidents, forged time sheets, recorded false times, worked, provided false welders' certificates, or did improper welds, identify the forum in which each remark was made, identify by name, employer, and job title all persons to whom these complaints, criticisms, or remarks were made, and describe all facts which support each such remark."

And your answer, "See my e-mail of January 22nd, 2021 sent at 2:44 to David Smith and Merlin Figueira in which I described PIS workers as 'struggling for many reasons to make what I consider to be reasonable progress.' In that e-mail, I noted that there had been numerous occasions over the previously two weeks that would

Susan C. Nissman, RPR-RMR  
(340) 773-8161

ANDREW DAVID CANNING -- DIRECT

122

'appear to have been instigated intentionally to stall the progress of the installation' and then described those occurrences under the categories of 'poor timekeeping'; 'apparent loss of materials'; 'poor workmanship'; and" -- scroll down, please -- "'Apparent lack of tools and or ability to use them.' I included -- I concluded by stating.

As far as I am concerned the performance, timekeeping, quality of work and overall abilities/objectives of the following individuals has been unacceptable on a number of levels both in the RIO shade installments on St. Croix and during the Reverse Flow installation work on St. Thomas. If this is not the case then I can only assume that they are complicit with PIS in an objective of maximizing the earnings for PIS from time and material activities.

PIS welding team individuals involved in the underperforming installation activities: Elias Rivera, Ricardo" --

A. Can you please scroll, please.

Q. Please keep scrolling, Karima.

"Elias Rivera, Ricardo Velazquez, and Juan Guigliotti."

What was the race of those three people?

A. Spanish American, I believe.

Q. And then you have here, "My recommendation is that

Susan C. Nissman, RPR-RMR  
(340) 773-8161

ANDREW DAVID CANNING -- DIRECT

123

these individuals be removed/barred from attending the site in future and classified and 'Not Required Back' for any current or future VITOL project work and also any work that PIS may want to engage them in for IPOS operations activities associated with VITOL assets."

Does that refresh your recollection about complaining of three of the employees and requesting they be removed from the job?

A. I made a recommendation, but, yes, it does refresh my memory.

Q. It wasn't -- it was a recommendation, right, sir?

A. That's correct, I suppose.

Q. And you're the eyes and ears of the owner, correct, sir?

A. What date was this? Whether this was the owner or the operator. I can't remember the date. But, yes, that was my role under both contracts.

Q. So why wouldn't someone follow the eyes and ears of the owner?

MR. SIMPSON: Objection.

A. Could you be more specific on that, please?

Q. (Ms. Rohn) Sir, as a result of this e-mail, those three people were barred from working at the propane terminals, correct?

A. I believe that was what IPOS decided to do.

Susan C. Nissman, RPR-RMR  
(340) 773-8161

ANDREW DAVID CANNING -- DIRECT

124

Q. And why did you blind-copy Garry -- well, let's go to the next one. Scroll down.

In January 28, 2021, e-mail to Figueira and Smith.

A. Sorry. You're going the wrong way.

Q. Yeah, going the wrong way. There you go.

"In a January 28, 2021 e-mail to Figueira and Smith, with a blind copy to Garry Stoker, I contrasted this work with the work of three other PIS employees who I described as having done 'excellent work.'"

My question to you is, why would you be blind-copying Garry Stoker?

A. I don't recall the purpose for that.

Q. Well, does Garry Stoker work for VITOL?

A. He works for VITOL.

Q. Did he work for IPOS?

A. I don't think he was an employee of IPOS, no.

Q. What do you understand that the relationship was between VITOL and IPOS?

MS. FRANCIS: Objection. Relevance.

Q. (Ms. Rohn) You can answer.

A. IPOS was the operating arm of VITOL for the Virgin Islands VITOL. Sorry, VITOL installations.

Q. Okay. And then you have "Although not a 'complaint, criticism or negative or unfavorable comment' by

Susan C. Nissman, RPR-RMR  
(340) 773-8161

1 me, on August 31st, 2018, David Smith informed me in an  
 2 e-mail that Kenia Johny" with her last known address -- "had  
 3 been terminated by PIS and that she alleged she was  
 4 terminated for refusing to 'pay Brian for work he didn't  
 5 perform at IPOS' and that PIS had told her to charge IPOS  
 6 'for 3 folks that didn't show up 'because we [IPOS] wouldn't  
 7 know.'"

8 sir, do you have any actual facts about this?

9 **MR. SIMPSON:** Objection.

10 **A.** You want me to just read that again?

11 I believe I have an e-mail that I received  
 12 from David Smith.

13 **Q. (Ms. Rohn)** Right. Who passed on a rumor, correct?

14 **A.** Sorry. Could you say that last comment?

15 **Q.** Which passed on a rumor, correct? He never talked  
 16 to Ms. Johny?

17 **MR. SIMPSON:** Objection.

18 **A.** I -- I have no knowledge whether David Smith  
 19 talked directly with Kenia. It said she informed me by --  
 20 sorry. David Smith. I don't know whether she talked to  
 21 David Smith or not. I have no knowledge of that.

22 **Q. (Ms. Rohn)** Do you know that Ms. Johny was  
 23 terminated because she wasn't coming to work, and she was  
 24 billing for hours where -- when she -- she was double-  
 25 billing, both her former employer and Petro at the same time

Susan C. Nissman, RPR-RMR  
 (340) 773-8161

1 for the same hours?

2 **MR. KAPLAN:** Object to the form of the  
 3 question.

4 **Q. (Ms. Rohn)** You may answer.

5 **A.** I have no knowledge of that.

6 **Q.** And then you claim, under oath, "Although not a  
 7 'complaint, criticism or negative or unfavorable comment,'  
 8 based upon what appeared to me to be anomalies in the  
 9 evidence of welder performance qualifications provided by  
 10 PIS, I requested from IPOS in an email to Figueira and Smith  
 11 dated April 13, 2021, UTC welder qualification records for  
 12 the PIS welders working on the WAPA vent line and the IPOS  
 13 vent and drain systems."

14 That's -- that's correct?

15 **A.** Sorry. Did you ask that? I missed that. Sorry.  
 16 Is that a question?

17 **Q.** Yes.

18 **A.** Hold on. Hold on.

19 **MR. SIMPSON:** Wait, wait. Is there a  
 20 question?

21 **Q. (Ms. Rohn)** Yeah, I was about to ask it.

22 **A.** Sorry.

23 **Q.** You claim that the e-mails that you wrote about  
 24 IPOS were not complaints, criticisms, or negative, or  
 25 unfavorable comments; is that right?

Susan C. Nissman, RPR-RMR  
 (340) 773-8161

127  
 ANDREW DAVID CANNING -- DIRECT

1 **A.** That's correct.

2 **Q.** You claim that under oath, correct, sir?

3 **A.** That's correct.

4 **Q.** And then you pulled from another e-mail. "Further  
 5 to our conversation this morning." oh, next page. Sorry.

6 **A.** Sorry. Yeah, please scroll up.

7 **Q.** "Further to our conversation this morning, I am  
 8 now as certain as I can be that the welders certification  
 9 presented by Petro Industrial Services are not genuine."

10 You don't think that's a criticism, sir?

11 **MR. SIMPSON:** Objection.

12 **A.** No. It's an observation, I believe.

13 (Cell phone interruption.)

14 (Respite.)

15 **Q.** Sorry. A doctor. Sorry.

16 You don't think that's a criticism that  
 17 they're handing in certificates that aren't genuine?

18 **MR. SIMPSON:** Same objection, and asked and  
 19 answered.

20 **MS. ROHN:** Well, I couldn't hear his answer,  
 21 because I had a call.

22 **Q. (Ms. Rohn)** Huh?

23 **A.** No. I believe it was an observation.

24 **Q.** All right. If you can go to the next page?

25 Right there. No, go up, up, up. Right where

Susan C. Nissman, RPR-RMR  
 (340) 773-8161

128  
 ANDREW DAVID CANNING -- DIRECT

1 you were. Yeah. Yeah. Yeah. Right in there. Starts out  
 2 with "At best." Can you scroll -- there you go. That's  
 3 perfect.

4 "At best this falsification puts VTTI in a  
 5 very embarrassing position with VITOL and WAPA at worst it  
 6 compromises the lack of quality assurance compromises the  
 7 integrity of the asset not only for this work but for all  
 8 fabrication undertaken by this particular team and possibly  
 9 other previous fabrications undertaken by PIS 'certified  
 10 welders'."

11 You don't -- you don't consider that a  
 12 criticism?

13 **MR. SIMPSON:** Objection.

14 **A.** No. I believe it's a statement of view of where  
 15 it puts VTTI and Vitol in respect to the integrity of the  
 16 pressure containment system.

17 **Q. (Ms. Rohn)** Well, it's actually accusing PIS of  
 18 actually literally all the projects not having certified  
 19 welders, does it not?

20 **MR. SIMPSON:** Objection.

21 **A.** without -- this was particular about the 3-inch  
 22 and 1-inch line, that I remember.

23 My recollection is that we hadn't seen the  
 24 welder certificates for a number of activities that PIS had  
 25 undertaken. So without those particular certificates,

Susan C. Nissman, RPR-RMR  
 (340) 773-8161

ANDREW DAVID CANNING -- DIRECT

ANDREW DAVID CANNING -- DIRECT

1 materials certs, there is question over the pressure  
 2 containment integrity of those systems.

3 Q. (Ms. Rohn) sir, what you're saying is, I think  
 4 it's quite possible that PIS has been working without  
 5 certified welders; isn't that what that says?

6 MR. SIMPSON: Objection.

7 A. No. It effectively says, do we have the  
 8 certificates for the -- all the information that were  
 9 required for previous jobs that were undertaken?

10 Q. Okay. Great. I'll let a jury interpret that.

11 MR. SIMPSON: Objection.

12 Q. (Ms. Rohn) Sir, you say, "At best this  
 13 falsification."

14 Aren't you accusing Petro of falsifying  
 15 documents?

16 A. Summary above states the provisional investigation  
 17 that I undertook, and the discussion I had with Doug Rice.  
 18 The evidence I had, at that stage, were these documents were  
 19 not issued by Acuren, as described on the documents. And  
 20 for that reason, my belief at that stage was they were  
 21 probably not genuine, and, therefore, potentially falsified  
 22 in terms of the information that was on -- contained in  
 23 those documents.

24 Q. Sir, you don't say "potential falsification," you  
 25 say "falsification," don't you, sir?

Susan C. Nissman, RPR-RMR  
 (340) 773-8161

1 A. I do.

2 MR. SIMPSON: Objection.

3 A. I do.

4 Q. (Ms. Rohn) And then you send a follow-up.  
 5 And you say, "I hope the foregoing  
 6 summaries -- summarises my concerns adequately and the  
 7 findings of a brief review of the facts," correct? You're  
 8 saying, as a fact, they falsified these documents?

9 MR. SIMPSON: Objection.

10 Q. (Ms. Rohn) Did you not, sir?

11 A. The inference there is they're facts. If you  
 12 scroll up, the particular communication, those are the facts  
 13 as put forward. The brief facts.

14 Q. Okay. And then there's a follow-up e-mail, July  
 15 22nd, 2021, to Andreas Constantinou.

16 who is Andreas Constantinou?

17 A. VTTI global maintenance manager, I believe.

18 Q. Why would you send this to him?

19 A. Because VTTI allocated him to run the  
 20 investigation on the welding certifications.

21 Q. And why is that?

22 MR. SIMPSON: Objection.

23 A. It was --

24 Q. (Ms. Rohn) Do you know why VTTI -- go ahead.

25 A. Go on. Sorry. I was going to ask for

Susan C. Nissman, RPR-RMR  
 (340) 773-8161

131

ANDREW DAVID CANNING -- DIRECT

ANDREW DAVID CANNING -- DIRECT

1 clarification, anyway. Continue.

2 Q. (Ms. Rohn) All right. Why would VTTI be  
 3 investigating this?

4 MR. FRANCIS: Objection.

5 Q. (Ms. Rohn) Go ahead.

6 A. It was a decision that VTTI made. It was -- had  
 7 serious consequences for the safety and integrity of the  
 8 plant, and so they wanted to allocate it to their corporate  
 9 group to investigate.

10 Q. If you go to the next page.

11 All right. And scroll. Yeah, this is  
 12 another e-mail. And if you'll scroll down just a little  
 13 more. Scroll down a little more. There we go. There we  
 14 go.

15 In the middle of this, you say, "Finally."  
 16 See that, where it starts out, "finally"?

17 A. Yes, I do.

18 Q. The number of defects identified by the 10%  
 19 radiography on stainless steel line is something that I find  
 20 quite worrying (up to 63% of the radiology images showed  
 21 defects), despite the acceptance by the NDT company, however  
 22 it is unclear who set the acceptance criteria."

23 Isn't there an ASME acceptance criteria, sir?

24 A. There is.

25 Q. Okay. And wasn't the company that did the

Susan C. Nissman, RPR-RMR  
 (340) 773-8161

132

ANDREW DAVID CANNING -- DIRECT

1 certification of the welds versus -- Versa Integrity?

2 A. I believe they may have been the company, yes.

3 Q. And wasn't that the exact same company that you  
 4 hired to then re -- go back, and re-check all the welds?

5 MR. SIMPSON: Objection.

6 A. I have no knowledge of that.

7 Q. (Ms. Rohn) So what would make you think that a  
 8 well-established welding testing certification company  
 9 wouldn't follow ASME guidelines?

10 A. I don't make that inference.

11 Q. Well, yes you do.

12 MR. SIMPSON: Objection.

13 Q. (Ms. Rohn) "However it is unclear who set the  
 14 acceptance criteria limits."

15 That's inferring that they would not follow  
 16 the ASME guidelines, is it not, sir?

17 A. No.

18 MR. SIMPSON: Objection.

19 (Respite.)

20 Q. (Ms. Rohn) All right. Exhibit 46.

21 (Deposition Exhibit No. 46 was  
 22 marked for identification.)

23 And when you get there, Karima, they're not  
 24 in -- they're not in numerical order. So you just have to  
 25 go from the beginning. And the first e-mail I want to talk

Susan C. Nissman, RPR-RMR  
 (340) 773-8161

ANDREW DAVID CANNING -- DIRECT

1 about is about two, three -- the 11th page.

2 **MR. SIMPSON:** so the exhibit on the screen is  
3 461 pages. what was produced to us as Exhibit 46 is 457  
4 pages.5 **MS. ROHN:** Well, we sent you a new one last  
6 night that had additional pages. Okay.7 **MR. SIMPSON:** What I got last night did not  
8 have those, but, go ahead.9 **Q. (Ms. Rohn)** This is a July 13, 2021 e-mail from  
10 David Smith. Well, let's start at the bottom.11 Can you scroll down? Actually starts with an  
12 e-mail from you. July 13, 2021. Okay. That's it. Right  
13 there.14 "It was interesting to see Elias was back on  
15 the scene at the PIS offices and also to see his reaction  
16 when he knew I was on the call - slipping off to one side of  
17 the camera view, any idea if he or others from the slack  
18 working team have reappeared on site?"19 That's referring to employees of Petro,  
20 correct?21 **A.** It appears to have some relevance to that, yes.22 **Q.** And then you say, "On a related subject, I have  
23 some real concerns with the poor quality work fabrication  
24 that PIS have been producing and Merlin appears to have been  
25 accepting over recent months. VERSA were not actually partSusan C. Nissman, RPR-RMR  
(340) 773-81611 of the weld preparation QA process but PIS presented the  
2 perception that they were and some of the welds they have  
3 produced have been pretty poor (possibly from uncertified  
4 welders -- they presented Danny Martinez welding  
5 certificates and procedures for the turbine vent work before  
6 I challenged them -- he separated from PIS almost 2 years  
7 ago.)"8 So you are, in fact, telling David Smith that  
9 PIS has poor-quality work fabrication, correct?10 **A.** I said, I had some concerns over what I observed.11 **Q.** "With the poor quality work fabrication that PIS  
12 had been producing," correct?13 **A.** Those was observations that I made.14 **Q.** But when I asked -- you were asked under oath if  
15 you ever made any -- any criticisms in your interrogatory  
16 answer, and you say, I have no recollection. I did not  
17 criticize them. That is a criticism, is it not, sir?18 **MR. SIMPSON:** Objection. That completely  
19 mischaracterizes the interrogatory response.20 **Q. (Ms. Rohn)** Sir, that's a criticism, is it not?21 **A.** I said, I have some real concerns. I'm not sure  
22 whether that's a criticism.23 **Q.** Well, with the poor-quality work fabrication,  
24 that's a statement sir?25 **A.** An observation, yes.Susan C. Nissman, RPR-RMR  
(340) 773-8161

ANDREW DAVID CANNING -- DIRECT

135

1 **Q.** And then -- and then you fault Merlin Figueira for  
2 not -- not seeing what you see; is that right, sir?3 **A.** Sorry.4 **MR. SIMPSON:** Objection.5 **A.** You faded out. Sorry.6 **Q. (Ms. Rohn)** I said, then you fault Merlin Figueira  
7 for his management ability; is that correct, sir?8 **MR. SIMPSON:** Objection.9 **A.** Sorry. Could you repeat that? I -- I did what?10 **Q. (Ms. Rohn)** You fault Merlin Figueira for not  
11 performing his management function, and wrongfully accepting  
12 the work that that PI -- that Petro was doing, do you not,  
13 sir?14 **MR. SIMPSON:** Objection.15 **Q. (Ms. Rohn)** "Merlin appears to have been accepting  
16 over recent months."17 **A.** Yes, ma'am. I read that.18 **Q.** You and Merlin didn't get along so well, did you,  
19 sir?20 **A.** We got on okay, but we did have, as in any  
21 business relationship, have our differences at times.22 **Q.** Well, wouldn't one of the differences be going  
23 behind his back to David Smith and criticizing him?24 **A.** My role was eyes and ears of the operation. If I  
25 felt there was an issue, I raised it to the appropriateSusan C. Nissman, RPR-RMR  
(340) 773-8161

ANDREW DAVID CANNING -- DIRECT

136

1 level.

2 **Q.** Then the last line says, "The lack of PIS  
3 fabrication quality and QA compliance is something I would  
4 like to address with you and Terry once he is in position if  
5 you feel that would be productive."6 Terry was going to be the new manager,  
7 correct? Terry Keogh?8 **A.** He'd be the new terminal manager. The role that  
9 Merlin was covering temporarily.10 **Q.** Well, Merlin covered it until he retired, didn't  
11 he, sir?12 **A.** I'm uncertain of his employment status.13 **Q.** So where did you get the idea there was no QA  
14 compliance?15 **MR. SIMPSON:** Objection.16 **A.** I had no evidence presented to me when I requested  
17 information from Merlin, I believe, was the case.18 **Q. (Ms. Rohn)** Okay. Can you go, Karima, to -- on  
19 to -- one, two, third page from this one? It starts out as  
20 Bates Number 2544.21 **No.** Keep going down, Karima. No, this is  
22 still on Exhibit 46. It's three pages down from the last  
23 document we just did, which was 1972. This one is Number  
24 2544. It's 13 from the front.25 **THE WITNESS:** Is it possible to take a breakSusan C. Nissman, RPR-RMR  
(340) 773-8161

ANDREW DAVID CANNING -- DIRECT

1 at some stage?  
 2 **MS. ROHN:** Yes. As soon as I finish this  
 3 document.  
 4 **THE WITNESS:** Sorry. Is that after this  
 5 document? Okay.  
 6 **MR. SIMPSON:** Yeah. Unless you need to take  
 7 a break now.  
 8 **THE WITNESS:** No, I can hang on.  
 9 **MS. ROHN:** You know what? Take a break, and  
 10 we'll find the document while you're on break.  
 11 **THE WITNESS:** Thanks, ma'am.  
 12 (Short recess taken.)  
 13 **Q. (Ms. Rohn)** There's an e-mail, February 24th, 2021,  
 14 from yourself to David Smith on the Wartsila Project.  
 15 "FYI, thought it funny short Charlotte left  
 16 Merlin off the response and included me ... Good attempt by  
 17 Merlin to 'throw me under the bus' yesterday for the  
 18 apparent delay in providing a cost basis breakdown and the  
 19 need to requote the turbine vent system replacement from PIS  
 20 (incidentally reducing the cost) - up until that point PIS  
 21 had no plan, strategy or basis for their quote (their 'plan'  
 22 and timescales still do not fit the job but more justify  
 23 their 'without foundation or basis' guesstimate."  
 24 So would you call that a criticism of PIS?  
 25 **A. No.** It's a observation.

Susan C. Nissman, RPR-RMR  
(340) 773-8161

1 **Q.** So -- so in your mind, your under-oath statement,  
 2 that these are the only things you ever said about PIS, you  
 3 don't consider this a criticism?  
 4 **MR. SIMPSON:** Objection.  
 5 **Q. (Ms. Rohn)** Is that true, sir?  
 6 **A.** I don't believe this is criticism, no.  
 7 **Q.** And would you think called -- accusing Merlin of  
 8 throwing you under the bus was a criticism?  
 9 **A.** I can't remember the context of the proceeding  
 10 communication.  
 11 (Respite.)  
 12 **MS. ROHN:** Go 21 pages down, Kimaya. Karima.  
 13 Sorry. Karima. The Bates number is 6275. Twenty-one down.  
 14 (Respite.)  
 15 **MS. FRANCIS:** I'm sorry. What is the Bates  
 16 number?  
 17 **MS. ROHN:** 6275. They're not in  
 18 chronological order, Karima, so you have to count the number  
 19 of pages. Did she pass it? Jesus, this is why I should  
 20 have just marked them myself as exhibits.  
 21 One before 6262. No, no, she's passed it.  
 22 What number are you on now?  
 23 Okay. So go down three more pages.  
 24 6275. Ah, Jesus. 6242, and then 6243, 6262,  
 25 and then 6275. Go up. One page. One page. That's -- I

Susan C. Nissman, RPR-RMR  
(340) 773-8161

ANDREW DAVID CANNING -- DIRECT

139

1 think that's it. 62 -- starts off with an e-mail to  
 2 Terrence Keogh. What -- what page are you on? What page  
 3 are you on? Karima, I need to see a page number. 6325.  
 4 You've gone too far. You need to go way back. So you need  
 5 to go one, two, three, four, five pages back. That's -- I  
 6 think that's it. What -- what number is that one? Yes,  
 7 that's it.  
 8 **Q. (Ms. Rohn)** All right. So we're back with your  
 9 criticism. See the e-mail with your criticism, starts out  
 10 "It's interesting," the last one we just looked at  
 11 previously about no QA? Do you recall that?  
 12 **MR. SIMPSON:** Objection.  
 13 **Q. (Ms. Rohn)** Do you recall --  
 14 **A.** Sorry. Could we scroll down? I can see the top  
 15 part.  
 16 **Q.** Yes. Scroll down to the bottom of that e-mail.  
 17 **A.** Right. Thank you.  
 18 **Q.** Okay. Do you recall I asked you questions about  
 19 this e-mail?  
 20 **A.** You did.  
 21 **Q.** Scroll up, Karima, to the --  
 22 And then you see the response -- the e-mail  
 23 from David Smith to Terrence Keogh?  
 24 "FYI, I told you that Andrew/Merlin have a  
 25 cold war going on. I told Andrew it would be good to talk

Susan C. Nissman, RPR-RMR  
(340) 773-8161

ANDREW DAVID CANNING -- DIRECT

140

1 to you and I when he gets back."  
 2 **Q.** Do you see that?  
 3 **A.** I do.  
 4 **Q.** So do you dispute that you and Merlin actually had  
 5 a cold war going on?  
 6 **A.** Define what a "cold war" is.  
 7 **Q.** The relationship between America and Russia.  
 8 **A.** I don't know whether that ascribes the  
 9 relationship that Merlin and I had, no. That's purely an  
 10 opinion by David Smith.  
 11 **Q.** Okay. I'm going to switch to some Exhibits. 251.  
 12 (Deposition Exhibit No. 251 was  
 13 marked for identification.)  
 14 Do you have that, Kimaya? I don't know why  
 15 I'm calling you my daughter's name.  
 16 251. No, it's an exhibit. Oh, you are on  
 17 251. Sorry. I'm on the first page. Sorry.  
 18 If you will scroll to -- scroll to the first  
 19 e-mail, which will be on 7023.  
 20 And if you look at the top of that page,  
 21 there's a e-mail from Adrian from January 5, 2021, to you,  
 22 Andrew Canning. No, on the last page, 7023. Okay. There  
 23 we are.  
 24 "Please find the three attachments that  
 25 include the following: Change Order #1 - This was sent to

Susan C. Nissman, RPR-RMR  
(340) 773-8161

1 Time on 12/12/19 regarding the changes from Polaris on the  
 2 Loading Rack that still need to get approved.

3 Change Order 2 - Regarding the electrical  
 4 disconnect and re-install the loading skid due to anchoring.  
 5 3) Budget for the Electrical Scope for the  
 6 Reverse Loading based on the SOW from Suris.

7 Please review and let us know if you have any  
 8 questions."

9 And if you go to the -- up to the next page,  
 10 the prior page, that's an e-mail from -- to you from Tim K.  
 11 April 28th, 2021.

12 "Petro Industrial are requesting PO for the  
 13 above variations for the truck rack, electrical scope  
 14 changes around the purge," et cetera, et cetera.

15 Can you tell me why it took you from  
 16 January 2021 to April of 2021 to send this information to  
 17 Tim K.?

18 A. Sorry. I'm just reading.

19 I can't, based on the information I'm seeing.

20 Q. Well, this is an e-mail chain, sir, is it not?

21 A. Seeing two e-mails. If that constitutes a chain,  
 22 yes, it is.

23 Q. Okay. And you say, then, "I need to question" --  
 24 if you see the last paragraph -- "I need to question the  
 25 reverse flow ship loading phase," and some other things you

Susan C. Nissman, RPR-RMR  
 (340) 773-8161

1 need to do, right, in order to complete this.

2 The next e-mail is May 17th, 2021, Tim. With  
 3 you copied.

4 A. Sorry. Can you scroll that?

5 Q. Yeah, scroll up, please. Scroll up, please. Yes.  
 6 there you go.

7 David Smith to Tim K., with you copied. "I'm  
 8 following up on this. Petro is saying we are more than 90  
 9 days on payments so they are asking what needs to happen.  
 10 I've only been on the fringe, but IPOS can't make payment  
 11 until we receive some feedback."

12 Do you see that?

13 A. I do.

14 Q. Okay. So does that refresh your recollection,  
 15 that you would, indeed, take months to approve their  
 16 invoices?

17 A. No, I don't.

18 Q. Oh, doesn't refresh your recollection?

19 A. No. Tim -- Tim was responsible for the payment.  
 20 That was a WIC or Vitol project. He authorized the payment  
 21 of those, those invoices. So, no, I can't claim that was --  
 22 you know, it's to Tim. David Smith has sent it to Tim.

23 Q. No, actually, sir, the e-mail was to you in  
 24 January. You don't forward it to Tim until April, and you  
 25 tell Tim, "I need to question the reverse flow ship" --

Susan C. Nissman, RPR-RMR  
 (340) 773-8161

143  
 ANDREW DAVID CANNING -- DIRECT

1 A. Sorry. Sorry.

2 Q. Sorry. Come down. Down, Karima. Down. Down  
 3 more. Thanks.

4 "I am" -- the second paragraph. "I need to  
 5 question the reverse flow ship loading phase 1 E&I scope and  
 6 request a more detailed breakdown as the majority of the  
 7 cable pulling was completed in December 2020 by the  
 8 mechanical and civil teams (and on another invoice) I want  
 9 to ensure this is not included in the budget estimate. I  
 10 will question the shade shelter costs in the E&I truck rack  
 11 scope at the same time."

12 So, sir, you -- you do more than just look at  
 13 the timesheets, don't you, sir?

14 MR. SIMPSON: Objection.

15 A. Could you clarify, I looked more than timesheets?

16 As I said before, I was the -- Tim was the  
 17 technical interface, and also paid the invoices for a WIC  
 18 project.

19 The work here was done in December 2020 while  
 20 we're doing the reverse flow. I don't know when the  
 21 invoices were submitted to Tim. I was just asked, I  
 22 believe, to have a look at --

23 Q. Oh, please, sir. You have to approve the  
 24 invoices, and then -- as to your scope, and then they go to  
 25 Tim, correct, sir?

Susan C. Nissman, RPR-RMR  
 (340) 773-8161

144  
 ANDREW DAVID CANNING -- DIRECT

1 MR. SIMPSON: Objection.

2 A. No. Not for a -- necessarily for a -- not for a  
 3 WIC project.

4 Q. (Ms. Rohn) Well, then, sir, why are you telling  
 5 Tim you need to question certain things on the invoice?

6 A. I don't know the detail of it, so I can't comment  
 7 on that. All I was aware was that we did some early work in  
 8 2020.

9 Let me just read this again.

10 Right. These are two different jobs.

11 Q. There are three invoices that haven't been paid.  
 12 There's a budget that hasn't been approved; and two change  
 13 orders.

14 A. Scroll down. Can we read that again?

15 Q. No, sir, you don't get to direct mine.

16 All right. I've asked you a question. You  
 17 claim whatever you claim.

18 Then if you scroll up, Karima. You're on  
 19 7022. Go to the top. It says at the top, if you look, it  
 20 says, David. David.

21 "Spoke with Adrian in a few weeks back on  
 22 this and have had requested support for the invoice. It was  
 23 around the time they were busy with all the vent line work  
 24 so he may have forgotten."

25 And that's from David to Tim K., and that was

Susan C. Nissman, RPR-RMR  
 (340) 773-8161



ANDREW DAVID CANNING -- DIRECT

ANDREW DAVID CANNING -- DIRECT

1 you scroll down, starting with Andrew. Andrew Canning to  
 2 Santhia Rodriguez. She's a kind of accountant person with  
 3 Petro; is that correct?

4 A. I believe so.

5 Q. Well, you communicate with her a lot, don't you,  
 6 sir?

7 A. I do, but I don't know her exact job title.

8 Q. Importance: High. And this is cc'd to Chad and  
 9 Adrian, Merlin, David. Times turbine cavity blow down vent  
 10 timesheets.

11 "I talked with the Petro-Industrial foreman  
 12 today whilst on site and enquired about the whereabouts of  
 13 the daily timesheets that Chad & I had agreed would be  
 14 checked and signed by me on a daily basis (where  
 15 practical.)"

16 Do you see that, sir?

17 A. I do.

18 Q. Says, "As I have yet to see and approve a single  
 19 timesheet to date that relates to the WAPA vent project.  
 20 During the discussion the foreman said that he had been  
 21 delivering the timesheets to yourself on a daily basis."

22 Why were you checking their timesheets on a  
 23 daily basis, sir?

24 A. It was an agreement made with Petro Industrial.

25 Q. Why did you make that agreement?

Susan C. Nissman, RPR-RMR  
 (340) 773-8161

1 A. It was always an agreement that the timesheets  
 2 would be signed on a daily basis, to eliminate any  
 3 misunderstanding.

4 Q. 258.

5 Do you have that? Sorry. This is a --  
 6 scroll through it. Never mind. I don't want that.

7 (Respite.)

8 I'm sorry. I'm flipping through.

9 (Respite.)

10 All right. I'm looking for a document.

11 (Respite.)

12 All right. 296. 296. Can you scroll  
 13 through those?

14 (Deposition Exhibit No. 296 was  
 15 marked for identification.)

16 (Respite.)

17 All right, sir. Are you -- are you familiar  
 18 with these welder performance qualification records?

19 A. I appear to recognize.

20 Q. Okay. And can you tell me whether or not these  
 21 are the ones that you believe have the anomalies in them?

22 A. I believe this is an example of one of those, yes.

23 Q. And can you show me, on these, what you believe to  
 24 be the anomalies?

25 A. Yes, ma'am.

Susan C. Nissman, RPR-RMR  
 (340) 773-8161

151

ANDREW DAVID CANNING -- DIRECT

ANDREW DAVID CANNING -- DIRECT

1 Q. And can you tell me which ones, or if it's all of  
 2 them?

3 A. It's all of them. This would be a good example.

4 MR. SIMPSON: When you say, "this," referring  
 5 to the first page of Exhibit 296?

6 MS. ROHN: Yes.

7 THE WITNESS: Yes.

8 Q. (Ms. Rohn) All right. And can you tell me what  
 9 you believe are the anomalies?

10 A. Yes. The certificates, I believe, were PDFs.

11 Q. The stickers, what? Wait. What are you referring  
 12 to as stickers?

13 A. I didn't say stickers, I said a PDF.

14 MR. SIMPSON: Said, "the certificates."

15 Q. (Ms. Rohn) What PDF?

16 MR. SIMPSON: Said, "the certificates."

17 Q. (Ms. Rohn) Oh, sorry. I thought -- all I heard  
 18 was stickers. All right.

19 A. Yes. I believe they were PDFs.

20 Anomalies that emerged were change in font  
 21 and clarity of the print. Items such as welder's name. I  
 22 can't see. I'm talking. Yeah, sorry. The staff number.

23 There's also the base material used in the --  
 24 in the welder's test, if these were for stainless. SA-106  
 25 is high-temperature carbon steel.

Susan C. Nissman, RPR-RMR  
 (340) 773-8161

1 If you scroll down, please. Yes. Stop  
 2 there, please.

3 Laboratory Test Number. Again, there is a  
 4 font change, and clarity difference over the original  
 5 document.

6 And possibly the date. I don't know. Maybe.  
 7 Yes, I think the date as well.

8 Q. All right. And anything else that you thought  
 9 were an anomaly?

10 A. From a visual check, no, but from a conversation  
 11 with Doug Rice, yes.

12 Q. And what else do you think was an anomaly?

13 A. The claim to have done guide bend test results, or  
 14 present those, Doug Rice confirmed that the machine to do  
 15 that was removed from the islands in 2019, if I recall  
 16 correctly. So he said the bend tests could not have been  
 17 undertaken by themselves.

18 And he also said the dates of the  
 19 certificates, Guillermo Castro, L111, was not a employee of  
 20 Acuren Inspection Services. And he also indicated that they  
 21 had no record, when he did work for them, that he was a  
 22 Level III inspector.

23 Q. Did you ask how long ago it was that he had worked  
 24 with them?

25 A. I don't recall asking that specific question.

Susan C. Nissman, RPR-RMR  
 (340) 773-8161



(Deposition Exhibit No. 289 was marked for identification.)  
And if you'll scroll down, this is an e-mail, April 22nd. E-mail train, April 22nd, 2021. And if you'll scroll to the second page. Well, no. Scroll to the bottom of the first page. Sorry. Thank you.

There's an e-mail from you to Merlin, David Smith, on the 3-inch line. Importance, high. Sensitivity, confidential.

You sent this, correct, sir?

A. It looks as though I did, yes.

Q. "Further to your discussion yesterday and my speculation about extra, the extra team set on and ten hour days, which I felt was being used to ensure the estimated value of the estimate is collected in timesheet hours that Vitol insist that I review. I walked the WAPA site today around 8 o'clock and observed about a 4/5 man team either sitting outside the fabrication tent or leaning on or against the pipe work in the fabrication tent. I also checked the actual fabrication welds on the pipe installed in the rack to date (there is now two pipe runs in place on the rack from the IPOS WAPA fence line running west to east up to the first rack, turn on the north. The weld cap was" --

A. Correct. I think it's gone over the page. Could

Susan C. Nissman, RPR-RMR  
(340) 773-8161

1 you scroll down?

2 Q. No, I'm on the first page.

3 Then it goes, "The weld count was" -- and now  
4 if you go to the next page, it's how many welds were done.

5 A. Yeah.

6 Q. "This work reverts -- represents the efforts of 14  
7 in number ten hours days of team four to five plus  
8 occasional supervision and safety. Assuming the weld rate  
9 that PIS and I determined a year or so ago when I was trying  
10 to establish the basis and competitiveness of their quotes  
11 three per day per welder then the fabrication in the rack  
12 represents just over one week work for a single welder. I  
13 am not sure on what basis the estimate was accepted however,  
14 I do not recall a breakdown of the tasks as part of the  
15 estimate. And it would seem to me that we are going through  
16 a painfully slow process of a contractor extracting the  
17 man-hour value of a contract because they are aware of their  
18 site manning and time lining as being monitored. The  
19 situation reinforces my belief and that of Vitol that PIS  
20 must provide a detailed breakdown of their estimate or  
21 they -- or we go out to competitive bids for all such work  
22 based upon the detailed scope of work so that we can at  
23 least validate the value that we are getting from PIS who  
24 appear to be treating their unique position with IPOS as a  
25 money generating relationship."

Susan C. Nissman, RPR-RMR  
(340) 773-8161

159  
ANDREW DAVID CANNING -- DIRECT

1 You don't think that's a criticism of Petro?  
2 MR. SIMPSON: Objection.  
3 A. No. I believe it's a comment on productivity.  
4 Q. (Ms. Rohn) "Money generate." That's what you call  
5 them, right?  
6 A. That's what it says, ma'am.  
7 Q. Did you ask Petro, before sending this defamatory  
8 e-mail, what was the cause of the number of welds that they  
9 had?

10 MR. SIMPSON: Objection.

11 A. I don't recall.

12 Q. (Ms. Rohn) Well, wouldn't that be something you  
13 would need to do before you accused people of billing  
14 without doing the work, is to find out if there's something  
15 that slowed down the number of welds?

16 MR. SIMPSON: Objection.

17 A. I -- if you recall the previous e-mails we looked  
18 at, Merlin asked me not to communicate directly with Petro  
19 Industrial.

20 Q. (Ms. Rohn) Did you ask anybody else to ask them?

21 A. The agreement was, I communicate between Mer --  
22 through Merlin or David Smith.

23 Q. Okay. But this isn't an e-mail that says, it  
24 looks like the welds are slowing down, can you go ask them  
why. This is an e-mail that says they're slow on their

Susan C. Nissman, RPR-RMR  
(340) 773-8161

160  
ANDREW DAVID CANNING -- DIRECT

1 welds, and that's because they're grabbing money?

2 MR. SIMPSON: Objection.

3 Q. (Ms. Rohn) Would you agree with me?

4 A. Not exactly, no.

5 Q. Oh, well, what exactly don't you agree with?

6 A. Well, we haven't seen preceding e-mails. There  
7 was a request to move the 1-inch welders to the 3-inch line  
8 to reduce the team hours from ten hours to eight hours.  
9 And then a request came in, which I was asked  
10 to comment on, to increase the increase team's hours from  
11 eight hours to ten hours. I was asked to comment on whether  
12 I thought that was a cost-effective approach.

13 Q. All right. So who, at Vitol, agreed with this  
14 statement that you made?

15 MR. KAPLAN: Objection. Form.

16 A. I don't know whether I got agreement or not from  
17 anyone at Vitol.

18 Q. (Ms. Rohn) Well, it says you did. It says, "this  
19 situation" -- let me finish. "This situation reinforces my  
20 belief (and that of Vitol) that PIS must provide a detailed  
21 breakdown of their estimates or that we go out to  
22 competitive bids for all such jobs based a detail scope of  
23 work so that we can at least validate the value that we are  
24 getting from PIS who appear to be treating their unique  
25 position with IPOS as money generating relationship."

Susan C. Nissman, RPR-RMR  
(340) 773-8161

ANDREW DAVID CANNING DIRECT

1 who, at vitol, agreed to that?  
 2  
 3 **MR. KAPLAN:** Objection. Form.  
 4 I'd been asked to -- because of single sourcing,  
 5 I'd been asked to request a detailed breakdown of Petro  
 6 Industrial's work, so we could evaluate their effectiveness.  
 7  
 8 **Q. (Ms. Rohn)** Asked by whom?  
 9 A. I can't recall whether it was Charlotte or Tim,  
 10 but I believe both of them asked me at different times to  
 11 obtain a detailed breakdown on several jobs that Petro  
 12 Industrial quoted on.  
 13  
 14 **MR. SIMPSON:** I'd like to note, for the  
 15 record, that's the second time that counsel for plaintiff  
 16 has laughed derisively during my client's answers. If it  
 17 happens again, this deposition is over.  
 18  
 19 **Q. (Ms. Rohn)** If you scroll up to the top of the  
 20 page, it says, "Thanks for letting us know of your concerns  
 21 shown below. Having read thru it and based on the  
 22 discussion we had yesterday, I'm having difficulty in  
 23 responding to PIS on their estimated costs other than to  
 24 talk to them of their productivity."

25 So you also had a conversation with Merlin  
 about this; is that correct?

26 A. I don't recall exactly, but that's what it  
 27 indicates on the e-mail.

28 Q. Then it goes on to say, "On the cost aspect,

Susan C. Nissman, RPR-RMR  
 (340) 773-8161

ANDREW DAVID CANNING DIRECT

1 yourself, vitol (Tim) and myself accepted their written  
 2 estimate and we issued a PO based on that estimate. We were  
 3 collectively all copied on emails relating to the Vent Line  
 4 Project, and so it's my opinion that what was submitted was  
 5 approved by vitol. So if your perception is that they are  
 6 trying to make up the hours to match their estimate by  
 7 lazing on the job that is one thing we may not be able to  
 8 have much say. It's a cost we have agreed to by issuing a  
 9 purchase order. However, we can talk to them of their  
 10 productivity in that we like to get the job completed on  
 11 schedule."

12 So, sir, did you, in fact, approve their  
 13 e-mail, when it said, we're going to get this amount of  
 14 money?

15 **MR. SIMPSON:** Objection.

16 A. I don't think I approved it.

17 Q. **(Ms. Rohn)** Well, did you oppose it?

18 A. No. It was a not-exceed total. So it can come in  
 19 anywhere underneath that.

20 So based on the information, I didn't oppose  
 21 it, but it wasn't my role to approve such proposal.

22 Q. And then the last paragraph, "Frankly, Andrew I'm  
 23 not sure of the a way to solve your concerns. I know you  
 24 had concerns of PIS's productivity, proficiency, and their  
 25 ethics."

Susan C. Nissman, RPR-RMR  
 (340) 773-8161

ANDREW DAVID CANNING -- CROSS

1 What problems did you have with their ethics?  
 2 A. I don't recall any problems with their ethics.  
 3  
 4 **MS. ROHN:** Exhibit 290.  
 5 (Deposition Exhibit No. 290 was  
 6 marked for identification.)  
 7 Can we take a five-minute break?  
 8  
 9 **MR. SIMPSON:** Sure.  
 10 **MS. ROHN:** Okay.  
 11 (Short recess taken.)  
 12  
 13 **MS. ROHN:** Wait a minute. I may know where  
 14 it is.  
 15 (Respite.)  
 16 I have no -- I have no further questions.

17 **CROSS-EXAMINATION**

18 **BY MR. KAPLAN:**

19 Q. Mr. Canning, good afternoon. My name is Alex  
 20 Kaplan. I am a lawyer for vitol Virgin Islands Corp., and  
 21 also for vitol U.S. Holding II Co.

22 You and I have never met, correct?

23 A. We've never met in person, no.

24 Q. Have we ever spoken?

25 A. I don't recall speaking to you. I -- I can't  
 remember whether you were one of the lawyers on our early  
 communication. I can't recall.

Q. All right, sir. I'd like to ask you a few

Susan C. Nissman, RPR-RMR  
 (340) 773-8161

ANDREW DAVID CANNING -- CROSS

1 questions.  
 2  
 3 Earlier today, you were being questioned by  
 4 plaintiff's counsel about this incident, where you fell  
 5 through a platform that was above a boiler.  
 6 Do you recall those questions?  
 7 A. I do.  
 8 Q. All right. Could you describe for us, in your own  
 9 words, what happened at the moment when you fell through  
 10 this platform?  
 11 A. At the moment I fell through.  
 12 Yes. As I recall, I was walking across the  
 13 platform, which felt very flexible. I turned to return to  
 14 the access ladder, and in turning, the access hatch below me  
 15 fell through. I fell one or two feet. My feet landed on  
 16 the boiler casing, causing me to -- my legs to fold behind  
 17 me, and me to fall to the left-hand side. I caught my  
 18 motion on my left hand, and tried to stabilize my position.  
 19 Once I regained confirmation that I hadn't --  
 20 I didn't believe I suffered any serious damage, then, I  
 21 proceeded to extract myself from the access way with the  
 22 assistance of David Nagle, I seem to recall.  
 23 We recovered the access hatch from the top of  
 24 the boiler, and put it into place, in the hope, in my view  
 25 of that stage, that if anyone else went to the platform in  
 our absence, they may not pass through that.

Susan C. Nissman, RPR-RMR  
 (340) 773-8161

ANDREW DAVID CANNING -- CROSS

1           But, yeah, that's -- we -- we left the  
 2 platform. Drove back to the control room.

3           Sorry. Did you want me to -- the whole  
 4 event, or just the passing through the platform?

5           Q. Passing through the platform.

6           Let me ask you this: was there any -- at the  
 7 time you went up to the platform, was there any type of  
 8 barricade that would have alerted you not to go onto the  
 9 platform?

10          A. None.

11          Q. Was there any type of tape or warning tape or  
 12 caution tape that would have alerted you, or anyone else,  
 13 not to go onto the platform?

14          A. None.

15          Q. Was there any sign, lights, cones, or other  
 16 indication that that was an area not safe for access, and  
 17 that you should not enter that area?

18          A. No, there wasn't.

19          Q. Okay. If -- if, in fact, Petro believed that  
 20 additional grating clips or fasteners were necessary, would  
 21 you expect, based on your experience, there to be some  
 22 barricade, sign, cone, or other indication that the area was  
 23 not safe for entry?

24          A. I would have expected that, yes.

25          (Whereupon Zoom connection was lost and resumed as follows)

Susan C. Nissman, RPR-RMR  
 (340) 773-8161

166

ANDREW DAVID CANNING -- CROSS

after a few minutes;)

1           Q. (Mr. Kaplan) Okay. Mr. Canning, had anyone at  
 2 Petro told you that day in February that it was unsafe for  
 3 entry because it needed additional grating clips or  
 4 fasteners?

5           A. No.

6           Q. All right, sir. I'd like to ask you a few  
 7 questions about the allegations in this case.

8           Mr. Canning, did you ever discriminate  
 9 against Petro on account of the race of any of its  
 10 personnel?

11          A. No.

12          Q. Did you ever discriminate against Petro on account  
 13 of the nationality or origin of any of its personnel?

14          A. No.

15          Q. Did Mr. Melendez ever tell you that he believed  
 16 anything you ever said or did was racist?

17          A. No.

18          Q. Did Mr. Melendez ever tell you that he believed  
 19 anything you ever said or did was discriminatory in any  
 20 respect?

21          A. No.

22          Q. Did anyone at Petro ever tell you they believed  
 23 anything you said or did was racist or discriminatory?

24          A. No.

Susan C. Nissman, RPR-RMR  
 (340) 773-8161

ANDREW DAVID CANNING -- CROSS

167

1           Q. And let me -- let me ask you this: Did anyone at  
 2 Vitol, any Vitol company, ever direct you to defame Petro?

3           A. No.

4           Q. Did anyone at Vitol ever direct or instruct you to  
 5 discriminate against Petro in any way, shape, or form?

6           A. No.

7           Q. Mr. Canning, were you ever an employee of Vitol?

8           A. No.

9           Q. Now, you -- you talked earlier, in questioning  
 10 from plaintiff's counsel, about the company for which you  
 11 work, and are a shareholder of a company called Optis,  
 12 O-P-T-I-S.

13          Do you recall that?

14          A. Yes.

15          Q. Okay. Optis is not owned, in any respect, by  
 16 Vitol, correct?

17          A. That's correct.

18          Q. Okay. What did you understand the relationship to  
 19 be between Optis and Vitol Virgin Islands Corp.?

20          A. Could you be more specific on "relationship"?

21          Q. Sure.

22          You said Optis was not owned in any respect  
 23 by -- by any Vitol company.

24          Did Optis have a contract with Vitol Virgin  
 25 Islands Corp.?

Susan C. Nissman, RPR-RMR  
 (340) 773-8161

ANDREW DAVID CANNING -- CROSS

168

1           A. Yes.

2           Q. And what was the nature of that contractual  
 3 relationship between Optis and Vitol Virgin Islands Corp.?

4           A. Consultancy agreement.

5           Q. Let me see if I can show you -- I'm going to try  
 6 and share my screen, Susan, so bear with me one moment,  
 7 everybody.

8           (Respite.)

9           Okay. Can everybody see that document on the  
 10 screen?

11          MR. SIMPSON: Not really.

12          A. No. I think you'll have to zoom in, from my  
 13 perspective, anyway.

14          MR. SIMPSON: It's showing. It's just small.

15          Q. (Mr. Kaplan) Okay. Hold on. How's that? Is that  
 16 any better?

17          A. Yes, but we're going to have to move this side  
 18 window.

19          MR. SIMPSON: Yeah.

20          A. Yeah.

21          Q. (Mr. Kaplan) Are you able to see that?

22          MR. SIMPSON: Yes. I'm just moving the zoom  
 23 windows, so it's not blocking the document.

24          Q. (Mr. Kaplan) Okay. Mr. Canning, what I'm showing  
 25 you is what I will mark as Defense Exhibit 1 to the Canning

Susan C. Nissman, RPR-RMR  
 (340) 773-8161

ANDREW DAVID CANNING -- CROSS

1 deposition.

2 Do you recognize this -- and it's Bates  
3 Number vitol -- starts at vitol 0001.

4 Do you recognize this document, sir?

5 A. Yes.

6 Q. Okay. Can you tell us what it is?

7 A. It's a contract between vitol Virgin Islands  
8 corporation and Optis Europe for a consultancy agreement.9 Q. All right. Do you see here, in the first  
10 paragraph, where it has some definitions, and it defines  
11 "the Company" as vitol Virgin Islands Corp.?

12 A. Yes.

13 Q. And it defines "the Contractor" as Optis.

14 Do you see that?

15 A. I do.

16 Q. Okay. I'd like to go down and show you  
17 Paragraph 4 of the contract, where it says -- the heading is  
18 Independent Contractor.

19 Do you see that?

20 A. I do.

21 Q. Okay. And Section 4 says, "The parties agree that  
22 the Contractor," that's Optis, as we just saw, correct?

23 A. That's my understanding of it, yes.

24 Q. All right. Says, "The parties agree that the  
25 Contractor at all times during the Term will be anSusan C. Nissman, RPR-RMR  
(340) 773-81611 independent contractor engaged by the Company to perform  
2 Services."

3 Do you see that?

4 A. I do.

5 Q. All right. What do you understand it to mean that  
6 Optis was an independent contractor?7 A. I'm not certain of the definition of an  
8 independent contractor. However, my interpretation of this  
9 at this present time is that we worked independently of  
10 WIC.11 Q. All right. If you look down at the next  
12 paragraph, it says, "Contractor will employ his own means  
13 and methods and exercise his own professional judgment in  
14 the performance of the Services."

15 Do you see that?

16 A. I do.

17 Q. In connection with your work at the St. Thomas and  
18 St. Croix facilities, while Optis had this contract with  
19 WIC, did you employ your own means and methods in  
20 connection with the performance of your services?

21 MS. ROHN: Objection. Leading.

22 A. Yes. Yes.

23 Q. (Mr. Kaplan) Did vitol -- I can stop sharing now.

24 Is that document gone now?

25 MR. SIMPSON: Yes, it is.

Susan C. Nissman, RPR-RMR  
(340) 773-8161

ANDREW DAVID CANNING -- CROSS

171

1 Q. (Mr. Kaplan) Okay. Did vitol control the manner  
2 by which you provided your consulting services at the  
3 St. Thomas or St. Croix facilities?

4 A. Could you define the term "control" in this?

5 Q. Yes.

6 Did vitol dictate the manner by which you  
7 went about providing your consulting services under the  
8 contract?

9 A. No.

10 Q. Did you exercise your own professional judgment  
11 when performing these services under the consulting  
12 agreement between Optis and WIC?

13 MS. ROHN: Objection. Leading.

14 MR. SIMPSON: You can answer.

15 A. Yes.

16 Q. (Mr. Kaplan) Did you exercise your own judgment to  
17 determine what maintenance work needed to be done at the  
18 St. Thomas and St. Croix facilities?

19 MS. ROHN: Objection. Leading.

20 A. Yes.

21 Q. (Mr. Kaplan) Did anyone at vitol dictate for you  
22 how you went about your daily interactions with any  
23 employees of Petro, in terms of how you communicated with  
24 them?

25 A. No.

Susan C. Nissman, RPR-RMR  
(340) 773-8161

ANDREW DAVID CANNING -- CROSS

172

1 Q. When you evaluated the performance of Petro's  
2 work, did anyone at vitol dictate your conclusions about the  
3 quality of Petro's work?

4 A. No.

5 Q. Did you make up your own mind when it came to your  
6 evaluation of the maintenance work that was done at the  
7 St. Thomas and St. Croix facilities?8 A. Sorry. Could you be a bit more specific on  
9 "making up my mind"?

10 Q. Sure.

11 A. Yeah.

12 Q. Plaintiff's counsel showed you a series of e-mails  
13 today where you're corresponding about work being done at  
14 the St. Thomas and St. Croix facilities.15 My question to you is, when you wrote those  
16 e-mails, and you expressed your opinions, and made your  
17 observations, were those your opinions and observations, or  
18 were they somehow dictated by vitol, or anybody else?19 A. I'd have to say they weren't dictated. There may  
20 have been some discussion, but they certainly weren't  
21 dictated.22 Q. But ultimately, when you expressed an opinion or  
23 observation about the quality of Petro's work, is that your  
24 observation and your opinion, or is it someone else's  
25 observation or opinion?Susan C. Nissman, RPR-RMR  
(340) 773-8161

ANDREW DAVID CANNING -- CROSS

ANDREW DAVID CANNING -- CROSS

1 A. It's mine.  
 2 Q. Did you maintain your own schedule for how many  
 3 days you would spend at each facility, and how many days you  
 4 would spend on island in each given month during the term of  
 5 your consulting agreement?

6 A. Yes. In agreement with either IPOS or WIC, so  
 7 they knew when I was on or off the facility.

8 Q. Sir, did you ever say anything about Petro's work  
 9 that you did not believe to be true?

10 MS. ROHN: Objection. Form of the question.

11 A. No.

12 Q. (Mr. Kaplan) Did you ever provide IPOS with  
 13 information that you did not believe to be accurate?

14 MS. ROHN: Objection. Form of the question.

15 A. No.

16 Q. (Mr. Kaplan) Did you ever provide Vitol with  
 17 information that you did not believe to be accurate?

18 MS. ROHN: Objection. Form of the question.

19 A. No.

20 Q. (Mr. Kaplan) Sir, to your knowledge, who made the  
 21 decision to terminate the maintenance contract between Petro  
 22 and IPOS?

23 A. My understanding is, it was IPOS.

24 Q. Did you direct IPOS to make the decision to  
 25 terminate its maintenance contract with Petro?

Susan C. Nissman, RPR-RMR  
 (340) 773-8161

MS. ROHN: Objection to form.

A. No.

Q. (Mr. Kaplan) Did anyone at Vitol ever direct or  
 instruct you to urge IPOS to terminate its maintenance  
 contract with Vitol?

MS. ROHN: Objection to form.

A. No.

MR. KAPLAN: I have nothing further. Thank  
 you, sir.

THE WITNESS: Thank you.

MR. SIMPSON: Simone, do you have any  
 questions?

MS. FRANCIS: I do.

## CROSS-EXAMINATION

BY MS. FRANCIS:

Q. Good afternoon, Mr. Canning. My name is Simone  
 Francis, and I represent IPOS in this litigation. Island  
 Project and Operating Services.

I just have a few follow-up questions for  
 you.

Sir, were you ever an employee of IPOS?

A. No.

Q. During the times that you performed -- I'm sorry.  
 Let me scrap that, and restart the question.

Similar to the questions that you were asked

Susan C. Nissman, RPR-RMR  
 (340) 773-8161

ANDREW DAVID CANNING -- CROSS

1 by counsel for Vitol, did IPOS control the means and methods  
 2 by which you exercised your professional judgment when you  
 3 were performing services at the propane facilities in the  
 4 Virgin Islands?

5 A. No.

6 Q. Were you ever an employee of VTTI?

7 A. No.

8 Q. Did VTTI control the means and methods by which  
 9 you exercised your professional judgment while you were  
 10 performing services at the propane facilities in the Virgin  
 11 Islands?

12 A. Can I ask for a clarification? Is that possible?

13 Q. No, you can answer the question, sir.

14 A. Then, no.

15 Q. Did IPOS have any ownership interest in Optis  
 16 during the time that you were performing services at the  
 17 propane services in the Virgin Islands?

18 A. No.

19 Q. Did VTTI have any ownership interest in Optis  
 20 during the time that you were performing services at the  
 21 propane facilities in the Virgin Islands?

22 A. No.

23 Q. One moment. I'm just looking at my notes.

(Respite.)

I think Attorney Kaplan asked you whether

Susan C. Nissman, RPR-RMR  
 (340) 773-8161

ANDREW DAVID CANNING -- CROSS

1 anyone at IPOS directed you to discriminate against Petro.  
 2 Do you recall that question?

A. I do.

Q. Okay. And your answer to that question was no,  
 correct?

A. That's correct.

Q. Okay. Did anyone at VTTI ever direct you to  
 discriminate against Petro?

A. No.

Q. And in expressing opinions about the work that was  
 performed at the propane facilities in the Virgin Islands,  
 did you take into account, or were your opinions in any way  
 based upon the race of Mr. Melendez or anyone associated  
 with Petro?

A. No.

Q. And did you understand from the conversation that  
 you described on the first day that you were at the facility  
 with Mr. Figueira, that IPOS's policies prohibited  
 discrimination on the basis of race and national origin, and  
 other protected classifications?

A. That was my understanding.

MS. ROHN: Objection to form.

Q. (Ms. Francis) And did you understand that it was  
 the expectation that in accordance with those policies, you  
 were to refrain from conduct that would constitute

Susan C. Nissman, RPR-RMR  
 (340) 773-8161

ANDREW DAVID CANNING

ROSS

1 discrimination on the basis of race, national origin, or any  
2 other protected classification?

3 A. Yes.

4 **MS. FRANCIS:** I have no further questions for  
5 you, Mr. Canning.

6 **THE WITNESS:** Thank you.

7 **MS. ROHN:** I have no further questions.

8 **MR. SIMPSON:** I think we're done.

9 **MS. ROHN:** Thank you. Have a nice weekend.

10 **MR. SIMPSON:** You, too.

11

12

13

14

15 (Whereupon the deposition concluded

16 at 3:30 p.m.)

17

18

19

20

21

22

23

24

25

Susan C. Nissman, RPR-RMR  
(340) 773-8161

C-E-R-T-I-F-I-C-A-T-E

I, SUSAN C. NISSMAN, a Registered Merit Reporter and Notary Public for the U.S. Virgin Islands, Christiansted, St. Croix, do hereby certify that the above named witness, ANDREW DAVID CANNING, was first duly sworn to testify the truth; that said witness did thereupon testify as is set forth; that the answers of said witness to the oral interrogatories propounded by counsel were taken by me in stenotype and thereafter reduced to typewriting under my personal direction and supervision.

I further certify that the facts stated in the caption hereto are true; and that all of the proceedings in the course of the hearing of said deposition are correctly and accurately set forth herein.

I further certify that I am not counsel, attorney or relative of either party, nor financially or otherwise interested in the event of this suit.

IN WITNESS WHEREOF, I have hereunto set my hand as such Registered Merit Reporter on this the 28th day of June, 2023, at Christiansted, St. Croix, United States Virgin Islands.

---

/s/ Susan C. Nissman  
My Commission Expires: Susan C. Nissman, RPR-RMR  
June 28, 2023 NP 234-19